

ROANOKE CITY COUNCIL REGULAR SESSION

AUGUST 2, 2004 9:00 A.M.

ROOM 159

AGENDA

Call to Order--Roll Call.

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2–3711 (A)(1), Code of Virginia (1950), as amended.

P 10

A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel regarding pending litigation where such consultation in open session would adversely affect the City's negotiating or litigating posture, pursuant to Section 2.2–3711 (A)(7), Code of Virginia (1950), as amended.

P 11

Items listed on the 2:00 p.m. Council docket requiring discussion/clarification; and additions/deletions to the 2:00 p.m. docket. (15 minutes)

Topics for discussion by the Mayor and Members of Council. (15 minutes)

Briefings:

•	Geographic Policing	-	15 minutes	P 12;
•	Police Building Phase II	-	20 minutes	P 13;
•	Utility Cut Policy	-	20 minutes	P 14;
•	Solid Waste Management Plan	_	15 minutes	P 15;
•	Volunteer Program	_	15 minutes	P 16

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.



ROANOKE CITY COUNCIL REGULAR SESSION

AUGUST 2, 2004 2:00 P.M.

CITY COUNCIL CHAMBER AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Frank W. Feather, Pastor, Forest Park Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 5, 2004, at 7:00 p.m., and Saturday, August 7, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853–2541, OR ACCESS THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEGOV.COM</u>, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late Gordon Preston Davidson, Director of Community Services of the Blue Ridge Independent Living Center.

Government Finance Officers Association Certificates of Achievement for Excellence in Financial Reporting.

Presentation by Edward M. Murray, representing Rebuilding Together.

P 17

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meetings of Council held on Thursday, May 20, 2004, and Monday, June 7, 2004.

P 19; P 58

RECOMMENDED ACTION:

Dispense with the reading of the minutes

and approve as recorded.

C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to authorize an encroachment into a public right-of-way located at 16 Campbell Avenue, S. W.

P 96

RECOMMENDED ACTION:

Concur in the request.

C-3 A communication from R. Brian Townsend, Director, Planning, Building and Development, tendering his resignation as a member of the Roanoke Valley Alleghany Regional Commission, effective immediately.

P 97

RECOMMENDED ACTION:

Accept the resignation and receive and file

the communication.

C-4 A communication from John Renick, Secretary, advising of the resignation of Jesse Dodson as a member of the Roanoke Neighborhood Advocates.

P 98

RECOMMENDED ACTION:

Accept the resignation and receive and file

the communication.

C-5 Annual report of the Board of Zoning Appeals for fiscal year 2004.

P 99

RECOMMENDED ACTION:

Receive and file.

C-6 A communication from the City Manager with regard to an emergency procurement in connection with replacement of the theatrical and stage dimming system at the Roanoke Civic Center Auditorium.

P 108

RECOMMENDED ACTION:

Receive and file.

C-7 Qualification of the following persons:

Mark K. Cathey as a member of the Board of Fire Appeals for a term ending June 30, 2008;

Dennis R. Cronk as a member of the Virginia Western Community College, Board of Directors, to fill the unexpired term of Harriet S. Lewis, resigned, ending June 30, 2006;

Sherman P. Lea as a Council representative to the Roanoke Valley Regional Cable Television Committee;

George M. McMillan as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007;

Michael W. Hanks and Anthony Wallace for terms ending June 30, 2006; and Donna S. Johnson for a term ending June 30, 2008, as members of the City of Roanoke Pension Plan, Board of Trustees; and

Mark C. McConnel as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

RECOMMENDED ACTION:

Receive and file.

REGULAR AGENDA

- 4. PUBLIC HEARINGS: NONE.
- 5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

1. Acquisition of certain property rights in connection with the Downtown West Parking Garages Project.

P 110; O 115

2. Execution of a Fiscal Year 2005 Community Services Performance Contract with Blue Ridge Behavioral Healthcare Board of Directors.

P 117; R 141

3. Acceptance of a Criminal Justice Records System Improvements Continuation Grant from the Virginia Department of Criminal Justice Services.

P 142; B/O 147; R 148

4. Appropriation and transfer of funds in connection with the Comprehensive Services Act.

P 149

- 7. REPORTS OF COMMITTEES: NONE.
- 8. UNFINISHED BUSINESS: NONE.
- 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

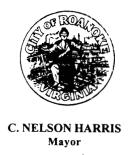
MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

- 1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
- 2. Roll call vote included in Council's minutes is required.
- 3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state <u>prior to the vote</u> the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

August 2, 2004

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

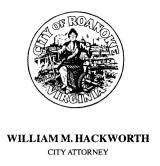
This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Nelson Harris Mayor

C. Welm Haning

CNH:snh



CITY OF ROANOKE

OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431 FAX: 540-853-1221 EMAIL: cityatty@ci.roanoke.va.us TIMOTHY R. SPENCER STEVEN J. TALEVI GARY E. TEGENKAMP DAVID L. COLLINS HEATHER P. FERGUSON ASSISTANT CITY ATTORNEYS

August 2, 2004

The Honorable Mayor and Members of City Council Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting for consultation with legal counsel regarding pending litigation where such consultation in open session would adversely affect the City's negotiating or litigating posture, pursuant to §2.2-3711.A.7, Code of Virginia (1950), as amended.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth City Attorney

William M. Hermunth

City Attorne

WMH:f

cc:

Darlene L. Burcham, City Manager

Mary F. Parker, City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Geographic Policing

This is to request space on Council's regular agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:sm

c: City Attorney

Director of Finance

Marin Commence

CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Police Building Phase II

This is to request space on Council's regular agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:sm

c:

City Attorney Director of Finance City Clerk



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Utility Cut Policy

This is to request space on Council's regular agenda for a 20 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney

Director of Finance

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Solid Waste

Management Plan

This is to request space on Council's regular agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

C:

City Attorney
Director of Finance



Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject:

Volunteer Program

This is to request space on Council's regular agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c:

City Attorney

Director of Finance

NNA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Gordon Preston Davidson, Director of Community Services of the Blue Ridge Independent Living Center.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Davidson on Thursday, July 15, 2004;

WHEREAS, Mr. Davidson was born in Williamson, West Virginia in 1946;

WHEREAS, Mr. Davidson graduated from East Tennessee State University in 1973 with a bachelor's degree in mass communication and a minor in social work;

WHEREAS, before assuming his position with Blue Ridge Independent Living Center, Mr. Davidson worked as an intake specialist at the Virginia Department for the Blind and Vision Impaired; as an assistant news director at radio station WSVA in Harrisonburg; and as an adult protective services worker with Roanoke Department of Social Services;

WHEREAS, at Blue Ridge Independent Living Center, Mr. Davidson's duties included producing quarterly newsletters, leading sensitivity training classes, and reviewing places for handicap accessibility;

WHEREAS, Mr. Davidson also was active in community organizations, including the Roanoke City Manager's Task Force on Community Relations, the Mayor's Committee for People With Disabilities, the Multiple Sclerosis Society Governmental Relations and Programs Committees, and the Virginia Council on Social Welfare;

WHEREAS, Mr. Davidson was diagnosed with multiple sclerosis in 1988, yet maintained his independence and used his education, talents, and skills to advocate the rights of people with disabilities and encourage the community to be more accessible to all.

WHEREAS, Mr. Davidson served as the Director of Community Services of the Blue Ridge Independent Living Center for almost 10 years, until recently when he was diagnosed with advanced renal cancer.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Gordon Preston Davidson, and extends to his family its sincerest condolences.
- 2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Davidson's mother, Almedia Davidson.

ATTEST:

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

May 20, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Thursday, May 20, 2004, at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36639–030104 adopted by Council on Monday, March 1, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend George E. Stevenson, Pastor, East Gate Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a proclamation declaring the week of May 16 - 22, 2004, as Business Appreciation Week.

PROCLAMATIONS-EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation declaring the week of May 16 - 22, 2004, as Emergency Medical Services Week.

PROCLAMATIONS-PUBLIC WORKS: The Mayor presented a proclamation declaring the week of May 16 - 22, 2004, as National Public Works Week.

PROCLAMATIONS-YOUTH: The Mayor presented a proclamation declaring May 20, 2004, as Sara-Elizabeth Virginia Hurt Day.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to four requests for Closed Session.

MINUTES: Minutes of the special meeting of Council held on Tuesday, November 25, 2003; and the regular meeting of Council held on Monday, April 15, 2004, were before the body.

Mr. Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

Bestp		-	•	Fitzpatrick,	•	•
,	•					

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request to convene in a Closed Meeting as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

			Fitzpatrick,	
•	•			 /.

COMMITTEES-SPECIAL SERVICE DISTRICT: A communication from the City Manager with regard to scheduling a public hearing on expansion of the Downtown Service District (DSD) boundaries, was before Council.

The City Manager advised that the Downtown Service District was first established by Council on December 8, 1986, effective July 1, 1987; Council approved expansion of the DSD to include boundaries that represent the DSD as it stands today; and the City Administration has received a request from Downtown Roanoke, Inc., (DRI) for consideration of further expansion of district boundaries.

It was explained that during 2003, DRI conducted a review of potential areas for further expansion of the Special Services District; the process included evaluation of land uses and functions of the areas, review of services and benefits that would be provided by the Special Services District to the areas, and meeting with property owners and business interests located within the areas; the area identified for expansion is located to the west of the current district, and is bounded by 5th Street on the east, 7th Street on the west, Marshall Avenue on the south, and the rear property lines of properties fronting on the north side of Campbell Avenue on the north.

The City Manager recommended that Council authorize the scheduling of a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider expansion of the Downtown Service District, as requested by Downtown Roanoke, Inc.

Mr. Dowe moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER-TELEPHONE EQUIPMENT-CITY PROPERTY: A communication from G. Michael Pace, Jr., Attorney, representing SunCom, advising that at its meeting on Tuesday, May 11, 2004, the Board of Zoning Appeals unanimously approved the granting of a special exception to allow SunCom to construct and operate a 110-foot flagpole communication facility and related equipment on a portion of the Roanoke Civic Center property, was before Council.

He requested that Council schedule the matter for public hearing on Monday, June 7, 2004, at the Council's 2:00 p.m. session.

Mr. Dowe moved that Council concur in the request as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

(Mr. Pace later requested that the public hearing be held on Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard by the Council.)

ELECTIONS-CITY COUNCIL: A communication from Carl T. Tinsley, Sr., Secretary, Roanoke City Electoral Board, transmitting, pursuant to Section 24.2-675, Code of Virginia, 1950, as amended, the following certified copy of the Abstracts of Votes cast in the General Election in the City of Roanoke for the Office of Mayor and City Council, held on Tuesday, May 4, 2004, was before the body.

(PARTIAL BLANK PAGE)

			·		
		MAY	OR .		
	Names of Candidates as Printed (ON BALLOT		TOTAL VOTES RECEIVED (IN FIGURES)	
	Alice P. Hincker	c		. 4.033	
	C. Nelson Harris	3		. 4,982	
	Delvis O. "Mac"	MaCaddon		1 211	_
·	George A. Sgourd)S		111	_
					_
We, the	Total Write-In Votes [Valid Write-Ins + Invalid Wundersigned Electoral Board, up	pon examination of	the official records deposited	. 0	 f the Circ f Votes ca
Court of t	[Valid Write-Ins + Invalid W	pon examination of 4, do hereby certify to mine and declare the	ite-In Votes]	. 0 with the Clerk o	f Votes ca
Court of t	[Valid Write-Ins + Invalid Wundersigned Electoral Board, unter election held on May 4, 200-ection and do. therefore, deter	pon examination of 4, do hereby certify to mine and declare the	ite-In Votes]	. 0 with the Clerk o	f Votes ca
Court of t at said el of votes	[Valid Write-Ins + Invalid Wundersigned Electoral Board, unter election held on May 4, 200-ection and do. therefore, deter	pon examination of 4, do hereby certify to mine and declare that d election: C. Nelson H	ite-In Votes]	. 0 with the Clerk o	f Votes ca
Court of t at said el of votes	[Valid Write-Ins + Invalid Wundersigned Electoral Board, up the election held on May 4, 200-ection and do, therefore, deten cast for the above office in said der our hands this6th did	pon examination of 4, do hereby certify to mine and declare that d election: C. Nelson H	ite-In Votes]	. 0 with the Clerk o	f Votes ca
Court of the at said electron of votes of votes of Given un	[Valid Write-Ins + Invalid Wundersigned Electoral Board, up the election held on May 4, 200-ection and do, therefore, deten cast for the above office in said der our hands this6th did	pon examination of 4, do hereby certify to mine and declare that d election: C. Nelson H	ite-In Votes]	. 0 with the Clerk o	f Votes ca lest numb
Court of at said el of votes de Given un	[Valid Write-Ins + Invalid Wundersigned Electoral Board, up the election held on May 4, 200-ection and do, therefore, detendant for the above office in said der our hands this6±h dieste:	pon examination of 4, do hereby certify in mine and declare the d election: C. Nelson H ay of May, 2004.	ite-In Votes]	. 0 with the Clerk o	f Votes ca
Court of the at said electron of votes of votes of Given un	[Valid Write-Ins + Invalid Wundersigned Electoral Board, up the election held on May 4, 200-ection and do, therefore, detendant for the above office in said der our hands this6±h dieste:	pon examination of 4, do hereby certify to mine and declare that d election: C. Nelson H	ite-In Votes]	0 I with the Clerk or orrect Abstract or oreceived the great	f Votes ca lest numb

ABSTRACT OF VOTES

cast in the City	ofF	ROANOKE		, Virginia,
at the May 4,		al Election, for	:	

MEMBER CITY COUNCIL

	FLITTA	AT LAR	TE DISTRICT OR WARD NAME	
	ENTER NAMES OF CANDIDATES AS PRINTED O		TE DISTRICT ON WARD NAME	TOTAL VOTES RECEIVED (IN FIGURES)
	Wendy J. Jones Beverly T. Fitzpa Sherman P. Lea Brian J. Wishneff William H. "Bill" E. Duane Howard Angela Mays Norma Total Write-In Votes [Valid Write-Ins + Invalid Write-Ins] In the undersigned Electoral Board, up and of the election held on May 4, 2004 aid election and do, therefore, determine of votes cast for the above office erly T. Fitzpatrick			<u>6,</u> 071
	Beverly T. Fitzpa	atrick, Jr.		7,486
	Sherman P. Lea			6.889
	Brian J. Wishneff			6,623
	William H. "Bill"	Carder		4,296
				817
	Angela Mays Norma	n		2,849
		ino and declare ural	the following person(s	, nas (nave) received the grea
number o	of votes cast for the above office	e in said election:		
number o	of votes cast for the above office	e in said election: Sherman P		Brian J. Wishneff
everly	of votes cast for the above office Y T. Fitzpatrick	e in said election: Sherman P		
everly	of votes cast for the above office Y T. Fitzpatrick der our hands this5th da	e in said election: Sherman P		
everly	of votes cast for the above office Y T. Fitzpatrick der our hands this5th da	e in said election: Sherman P		
everly	of votes cast for the above office Y T. Fitzpatrick der our hands this5th da	e in said election: Sherman P		Brian J. Wishneff

COMPLETE THIS FORM **ONLY** IF (i) TOTAL NUMBER OF WRITE-INS IS 5% OR MORE OF THE TOTAL NUMBER OF VOTES CAST FOR OFFICE **OR** (ii) A WRITE-IN CANDIDATE WAS ELECTED TO THE OFFICE.

WRITE-INS CERTIFICAT ROANOKE	IUN	General	☐ Special Election
TOWN/COUNTY DICTY			•
CITY COUNCIL			May 4, 2004
FICE TITLE			
AT LARGE	·		Page 1 of1
STRICT NAME OR NUMBER, IF APPLICABLE			TOTAL VOTES RECEIVED (IN FIGURES)
WRITE-INS - SUMMARY	•		
A 1 11 1 Maria land			0
1. Invalid Write-ins			ENTER TOTAL INVALID
2 Valid Write-Ins			2
z. valid villo no i i i			ENTER TOTAL VALID
3. Total Write-Ins	OR TOTAL WRITE-IN VOTES ON ABSTRA		2 .] ADD LINES 1 AND 2
VALID WRITE-INS - DET	AIL		
LIST VALID WRITE-INS IN ALPHABE AS NEEDED. ALL VALID WRITE-INS V ON LINE 2 ABOVE.	TICAL ORDER BELOW AND ON CONTINU YHEN ADDED TOGETHER MUST EQUAL	UATION PAGES, TOTAL ENTERED	TOTAL VOTES RECEIVED (IN FIGURES)
Chris Chitum			. 2
			·
		.	· <u></u>
			·
		CONTINUED OF	N PAGES THROUGH
e, the undersigned Electoral Board, upourt of the election held on May 4, 200 and correct certification of the write eand correct certification of the write wen under our hands this	14, do hereby certify that, with the in votes cast at said election for	continuation page	es indicated, the above is a
copy teste:	`	× 10 -	
	/	Distita	, Chairman
	Danie Pais	Su-	Vice Chairman
18 mil 487	Care J.	Tinsley	, Secretary
	Care Zi	Ineley	-Sécretary, Electoral Board
	•		

Mr. Dowe moved that the Abstracts of Votes be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:
AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith7.
NAYS: None0.
PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council meet in Closed Session to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position of negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia, (1950), as amended, was before body.
Mr. Dowe moved that Council concur in the request of the City Manager to convene in Closed Session as above described. The motion was seconded by Mr. Harris and adopted by the following vote:
AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith7.
NAYS: None0.
OATHS OF OFFICES-COMMITTEES-INDUSTRIES-WATER RESOURCES: A report of qualification of the following persons, was before Council:
M. Rupert Cutler as a City representative to the Board of Directors, Western Virginia Water Authority, for a term commencing March 2, 2004 and ending March 1, 2006; and
Randy L. Leftwich as a member of the Human Services Committee for a term ending June 30, 2004.
Mr. Dowe moved that the report of qualification be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:
AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith7.
NAYS: None0.

1093

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager to convene in Closed Session as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

					Fitzpatrick,	
Bestp	itch, an	a Mayor S	mitn	 		 /.
	NAYS:	None		 		 0.

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Attorney to convene in Closed Session as above described. The motion was seconded by Mr. Harris and adopted by the following vote:

				Fitzpatrick,	
БСЗСР	iccii, aii	a mayor 5			, ,
	NAYS: I	None	 	 	 0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-CLERK OF CIRCUIT COURT-STATE COMPENSATION BOARD: A communication from the Clerk of the Circuit Court advising that the Clerk is responsible, by statute, for recordation of legal instruments which include land records, marriage licenses, financing statements, assumed names, wills and other probate records, and Law, Chancery and Criminal orders, all of which must be maintained and available to the general public, was before Council.

The Clerk further advised that the Compensation Board, through the Technology Trust Fund, has made funds available to be allocated toward contractual obligations for those officers that have indicated that funds are needed; the Circuit Court Clerk's Office for the City of Roanoke has been allocated for reimbursement funds totaling \$21,708.00 for charges by the Supreme Court of Virginia for its indexing and scanning system and \$8,000.00 for purchase of new printers for use with the system; and acceptance of the funds is vital to the Circuit Court Clerk's Office in meeting year end budget obligations.

The Clerk of Circuit Court recommended that Council accept funding from the Compensation Board Technology Trust Fund, in the amount of \$29,708.00, that Council establish a revenue estimate in the General Fund in the amount of \$29,708.00, and appropriate same to the following accounts:

Maintenance Contracts Account No. 001-120-2005 - \$21,708.00 Fees for Professional Services Account No. 001-12-2111-2010 \$8,000.00

A communication from the City Manager recommending that Council concur in the request, was also before the body.

Mr. Dowe offered the following ordinance:

(#36696-052004) AN ORDINANCE to appropriate funding for an indexing and scanning system for the Clerk of the Circuit Court and establish revenue provided by the Compensation Board, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 475.)

Mr. Dowe moved the adoption of Ordinance No. 36696-052004. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith----7.

NAYS: None-----0.

CITY CODE-TAXICABS AND FOR HIRE VEHICLES: The City Manager submitted a communication advising that during the March 15, 2004, Council meeting, Yellow Cab Services of Roanoke, Inc., submitted a petition requesting an adjustment of rates for taxicab service and for-hire automobiles in the City of Roanoke, which rates are regulated by Council, pursuant to Section 34–130, Code of the City of Roanoke (1979), as amended; and taxicab service in Roanoke is provided by Yellow Cab, Liberty Cab Company, Northwest Cab Company, and Quality Taxi Company.

It was further advised that the present request of Yellow Cab represents the first request for an increase in almost four years (the last increase was adopted by Council on June 5, 2000); the request is based on continued and significant increases in the cost of doing business (insurance rates up over 35 per cent, repair costs up over 25 per cent, fuel costs up over 30 per cent and labor costs up over 20 per cent), and the proposed increase would help offset current expenses for taxicab companies.

It was explained that the requested increase is for the initial meter drop rate to be raised from \$1.80 for the first 1/8th mile to \$2.80 for the first 1/8th mile, and no other rate increases are requested; the average taxicab trip in Roanoke is three miles, or \$6.40; under the new proposal, the average increase in fare will be \$1.00 per trip, or an increase of 15.6 per cent; and per the petitioner, the proposed increase in rates is in line with those proposed, or in effect, in major cities in the Commonwealth of Virginia.

It was noted that City staff, along with the City Attorney's Office, conducted a survey among other Virginia municipalities to determine their practices with respect to regulating taxicabs, specifically the regulation of rates; in addition, calculations were made to compare the cost of a three mile trip in Roanoke under the new rate (\$7.40) to the cost of the same trip in the seven localities surveyed; although Roanoke's charge was the highest, it was still in line with what other localities are charging; however, Roanoke's cab companies do not levy extra charges for such services as transporting packages, groceries, luggage, or for providing night service; and many cities and counties allow these and other additional charges.

The City Manager recommended that Council amend Section 34-130 (g), Code of the City of Roanoke (1979), as amended, to reflect an increase in the "distance rate" for a taxi trip from \$1.80 to \$2.80 for the first $1/8^{th}$ mile or fraction thereof.

Mr. Cutler offered the following ordinance:

(#36697-052004) AN ORDINANCE amending subsection (g) of §34-130, Rate Schedule, of Division IV, Fares, Article III, Public Vehicles (Taxicabs and For Hire Vehicles), of the Code of the City of Roanoke (1979), as amended, in order to adjust certain rates charged for services rendered by taxicabs and fore-hire automobiles; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 476.)

Mr. Cutler moved the adoption of Ordinance No. 36697-052004. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-ROANOKE PASSENGER STATION RENOVATION PROJECT: The City Manager submitted a communication advising that the Western Virginia Foundation for the Arts and Sciences (WVFAS) received notification in November, 2003 that its application for Transportation Enhancement funds through the Transportation Equity Act for the 21st Century (TEA-21) for the Roanoke Passenger Station Renovation Project was approved, in the amount of \$110,000.00; this amount is in addition to the \$988,000.00 in Enhancement funds approved in 2001 and 2002, bringing the total to \$1,098,000.00; other State-provided funding of \$500,000.00 has also been committed to the project which currently totals almost \$3.1 million, considering both State and local funding; the City of Roanoke must enter into separate supplemental agreements with the WVFAS and the Virginia Department of Transportation (VDOT), which define the responsibilities of each party; authority for all such VDOT agreements for the project was previously authorized by action of Council on January 22, 2002 (Resolution No. 35734-012202); authority for all such WVFAS agreements for the project was previously provided through Ordinance No. 36157-121602; the WVFAS will be responsible for the match requirement of \$27,500.00; and \$110,000.00 of TEA-21 Enhancement funds need to be appropriated (to be reimbursed by VDOT) to Project Account No. 008-530-9900-9007 for disbursement to the Western Virginia Foundation for the Arts and Services.

1097

The City Manager recommended that Council appropriate \$110,000.00 of TEA-21 Enhancement funds to be funded by VDOT to Project Account No. 008-530-9900-9007 for disbursement to the Western Virginia Foundation for the Arts and Science, and establish a revenue estimate in the same amount for State reimbursement through the TEA-21 program.

Mr. Fitzpatrick offered the following ordinance:

(#36698-052004) AN ORDINANCE to appropriate funding from the Commonwealth for Roanoke Passenger Station Renovation project, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 477.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36698-052004. The motion was seconded by Mr. Harris.

Council Member Dowe and Mayor Smith advised that they serve on the Board of Directors of the Western Virginia Foundation for the Arts and Sciences; whereupon, the City Attorney stated that due to certain Federal requirements, they must abstain from voting on the ordinance.

Ordinance No. 36698-052004 was adopted by the following vote:

AYES:	Council	Members	Cutler,	Harris,	Fitzpatrick,	Wyatt,	and
Bestpit	ch						-5.
NAYS:	None						-0.

(Mayor Smith and Council Member Dowe abstained from voting.)

BUDGET-TOTAL ACTION AGAINST POVERTY-GRANTS-JUVENILE CORRECTIONAL FACILITIES: The City Manager submitted a communication advising that the Department of Criminal Justice Services notified the City of Roanoke and Roanoke County of an allocation of funds under the Juvenile Accountability Block Grant Program of \$48,493.00 in Federal funds; and a joint local match of \$5,388.00 is required.

It was further advised that the allocation formula provides \$32,473.00 Federal, \$3,608.00 match for the City of Roanoke, \$16,020.00 Federal and \$1,780.00 match for Roanoke County; staff from the jurisdictions have met and developed program proposals for use of the funding; Roanoke County will provide a substance abuse intervention education program through the schools; the City of Roanoke, in collaboration with the Boys and Girls Club and Total Action Against Poverty, will provide services to students suspended or otherwise absent from school during the day; TAP Project Discovery will help adjudicated youth avoid negative risks and unproductive lifestyles that often correlate with dropping out of school; funding for the City's match of \$3,608.00 is in Account No. 001–630–1270–2010, Human Services Support; and the City of Roanoke will serve as the fiscal agent for the funds.

The City Manager recommended that she or her designee, be authorized to accept the \$48,493.00 JABG grant allocated to the City of Roanoke for \$32,473.00 and to Roanoke County for \$16,020.00, and execute the agreement with the Department of Criminal Justice Services for said funds; and that Council appropriate \$53,881.00 and increase the corresponding revenue estimates of \$48,493.00 in Federal funds and \$1,780.00 in Roanoke County matching funds in accounts to be established by the Director of Finance in the Grant Fund and transfer \$3,608.00 from Human Services Support, Account No. 001–630–1270–2010, to the above established Grant Fund.

Mr. Dowe offered the following ordinance:

(#36699-052004) AN ORDINANCE to appropriate funding from the Juvenile Accountability Block Grant Program and local match for juvenile education programs, amending and reordaining certain sections of the 2003-2004 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 478.)

Mr. Dowe moved the adoption of Ordinance No. 36699-052004. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES	Council	Members	Cutler,	Dowe,	Fitzpatrick,	Harris	Wyatt
Bestpitch, a	nd Mayor S	Smith					7.
NIANC							•

1099

Mr. Dowe offered the following resolution:

(#36700-052004) A RESOLUTION authorizing acceptance of a Juvenile Accountability Incentive Block Grant from the Virginia Department of Criminal Justice Services on behalf of the City, authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 68, Page 480.)

Mr. Dowe moved the adoption of Resolution No. 36700-052004. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

- \$394,363.00 from the 2003-2004 Capital Maintenance and Equipment Replacement Fund to provide for replacement of facility maintenance site requests, purchase of a mowing tractor, and roof repairs;
- \$75,000.00 for the Alternative Education Program to provide alternative curriculum and training for high risk students at Taylor Learning Academy, with a focus on improving the total self-concept of the student, which is a continuing program and the appropriation represents an increase of funds based on final program activities.

The Director of Finance recommended that Council concur in the request of the School Board.

Mr. Harris offered the following ordinance:

(#36701-052004) AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP), amending and reordaining certain sections of the 2003-2004 School Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 481.)

Mr. Harris moved the adoption of Ordinance No. 36701-052004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

CITY COUNCIL-REGIONAL COOPERATION: Council Member Cutler called attention to an article in a recent issue of *Virginia Town and City* in regard to mutual aid pacts, which noted that the City of Roanoke, City of Salem, Town of Vinton and Roanoke County have moved beyond maintaining a mutual aid agreement and expanded regional cooperation by establishing a regional radio system, standardizing equipment for fire fighting components, adopting a valley-wide incident management system and participating in the construction of the Roanoke Valley Regional Fire Emergency Medical Services Training Center. He stated that the article was a positive reflection of the efforts by Roanoke Valley jurisdictions toward regional cooperation.

1101

CITY COUNCIL-RAIL SERVICE: Council Member Cutler advised that the Governor will appoint a Commission on Rail Enhancement for the 21st Century which will address improving freight service along I-81, and it is hoped that a representative from the Greater Roanoke region will be appointed to the Commission.

CITY COUNCIL: Council Member Bestpitch commented on the Roanoke Valley Leadership Trip to Louisville, Kentucky, which was held on May 16-18, 2004. He advised that the value of the trip will be in determining whether localities of the Roanoke Valley can build upon the kinds of regional cooperation as above referenced by Dr. Cutler, in order to achieve greater efficiencies in government; i.e.: cooperative agreements relating to fire/emergency medical services, library systems, and parks and recreation activities, etc.

CITY COUNCIL-COALITION OF LOCAL GOVERNMENT OFFICIALS: Council Member Bestpitch advised that along with the City Manager, he represents the City of Roanoke on the Virginia First Cities Coalition which consists of the City of Roanoke and 14 other cities throughout the Commonwealth of Virginia that experience the same challenges of older urban core cities. He stated that a meeting was held on Wednesday, May 19, 2004, in Petersburg, Virginia, and commended the City Manager for the leadership role she has provided to the organization, she has represented the City of Roanoke well and is highly respected by City Managers and elected representatives from the 14 other cities that comprise the Coalition. He encouraged Council to continue its support of the Virginia First Cities Coalition.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-CITY COUNCIL-SCHOOLS: Dr. E. Jeanette Manns, 1826 10th Street, N. W., spoke with regard to an incident that occurred in a City school in which her grandson was the victim of bullying by another student. She expressed concern with regard to the manner in which School officials responded to the incident, and advised that racism exists in Roanoke City Public Schools and in Roanoke City employment.

TAXICABS AND FOR HIRE VEHICLES-COMPLAINTS-COMMISSIONER OF THE REVENUE: Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation for approval by Council of an increase in taxicab rates. He expressed concern that, for budgetary reasons, an employee of the Commissioner of the Revenue's Office is no longer assigned the responsibility of issuing City decals at the Division of Motor Vehicles office at Crossroads Mall.

CITY MANAGER COMMENTS: NONE.

At 2:50 p.m., the Mayor declared the Council meeting in recess for one Closed Session.

Council Member Dowe left the meeting.

At 3:35 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Dowe, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Mayor Smith		
NAYS: None		
(Council Member Dowe was ab	sent)	

ROANOKE CIVIC CENTER: The City Manager presented a communication advising that in May, 2001, Council authorized City officials to enter into a License Agreement with Arena Ventures, LLC, that provided for use of the Roanoke Civic Center Coliseum and certain related Civic Center facilities by Arena Ventures, to provide a certain number of National Basketball Development League games and a certain number of entertainment events produced by SFX Concerts, Inc., in the Coliseum over a five year period, which agreement was entered into on May 18, 2001; Section 14.2 (b) of the agreement provides Arena Ventures with the right to terminate the agreement if average paid attendance at regular season NBDL League Games is less than 4,500 in any League season ending prior to June 1, 2004; and the agreement further requires Arena Ventures to provide the City with written notice no later than May 31, 2004, should Arena Ventures decide to exercise this provision.

It was further advised that the attendance threshold as above stated has not been met for any of the NBDL's regular season league games for the past three seasons; accordingly, Arena Ventures now has the right to terminate the agreement; Arena Ventures has indicated to City staff a positive and clear interest in staying in Roanoke for the remainder of the term of the agreement, but seeks some consideration for renegotiation of the agreement without the pressure of the May 31, 2004 deadline; Arena Ventures has indicated that it is making similar efforts to seek renegotiation of its agreements with other localities, although the deadline varies with each locality; and Arena Ventures has requested an extension of the May 31, 2004 deadline by which it must give notice that it intends to exercise this provision by one month, in order to have more time to discuss renegotiation of the agreement with City staff.

The City Manager recommended that she be authorized to execute an amendment to the agreement with Arena Ventures, LLC, extending the May 31, 2004, deadline by which Arena Ventures must provide the City with written notice that it is terminating the agreement, pursuant to Section 14.2(b), until June 30, 2004, with all documents to be upon form approved by the City Attorney.

Mr. Fitzpatrick offered the following ordinance:

(#36702-052004) AN ORDINANCE authorizing the City Manager to execute an amendment to the License Agreement dated May 18, 2001, between the City and Arena Ventures, LLC, extending the date by which Arena Ventures must provide written notice to the City that it is exercising its right to terminate such License Agreement from May 31, 2004 until June 30, 2004, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 482.)

The motion was seconded by Mr. Harris and adopted by the following vote:
AYES: Council Members Cutler, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith6.
NAYS: None0.
(Council Member Dowe was absent.)
At 3:35 p.m., the Mayor declared the Council meeting in recess for a continuation of the Closed Sessions which were previously approved by Council.
At 5:25 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Dowe, Mayor Smith presiding.
COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:
AYES: Council Members Cutler, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith6.
NAYS: None0.
(Council Member Dowe was absent.)
At $5:30\ p.m.$, the Mayor declared the Council meeting in recess until $7:00\ p.m.$, in the City Council Chamber.
At 7:00 p.m., on Thursday, May 20, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal

Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor

Ralph K. Smith presiding.

Mr. Fitzpatrick moved the adoption of Ordinance No. 36702-052004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Beverly T. Fitzpatrick, Jr., Linda F. Wyatt, William D. Bestpitch, and Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, May 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Fudds of S. W. VA., Inc., that property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, be rezoned from RS-3, Residential Single Family District, to C-2 General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before Council.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 3, 2004 and Monday, May 10, 2004.

The City Planning Commission submitted a written report advising that the petition for zoning requests that 3.13 acres, containing approximately 300 feet of frontage on Orange Avenue and a depth of almost 540 feet, be rezoned to C-2, General Commercial District, with a proffered condition that prohibits 15 delineated C-2 uses; although the petition states that the request is "for the purpose of permitting a restaurant on the property," the petition's proffered condition does not limit development of the parcel of land to a restaurant use; and because a concept plan is not proffered, neither the restaurant "delineation" nor the footprint of the building in terms of size or location as delineated on the concept plan are proffered.

The following factors underscore the significance of the subject site:

- The site's location at a major gateway to the City and its proximity to the entrance to the Roanoke Centre for Industry and Technology (RCIT);
- The site's 3.13-acre size and its potential for accommodating multiple uses, structures, signage, and curb cuts; and
- The limited opportunity within the City for development of a property that represents both significant size and a location along a major gateway.

It was further advised that given the significance of the subject site and the potential impact of its development as a C-2 property, there are concerns with potential use(s) of the property that would be permitted if the rezoning request were approved in its current form; the Fifth Amendment Petition proffers that 15 permitted C-2 uses would be prohibited on the property; the C-2 District permits 36 other uses by right (including highway convenience stores, open air markets, and automobile cleaning facilities) and 11 special exception uses; and without additional proffers which refine their development as to intensity, traffic generation and circulation, curb cuts, and streetscape, certain C-2 uses permitted within the parameters of the current form of the petition could be inappropriate on the site.

It was explained that although the Fifth Amended Petition lengthens the list of C-2 uses that would be prohibited on the property, the petition has established no site development parameters within which the property could be developed if the rezoning request in its current form were approved; and in order to assess consistency of the proposal with *Vision 2001-2020* site development principles, the following issues should be addressed as a condition of the rezoning:

- Number and location of curb cuts and shared access
- More definition within the petition to assess, the consistency of the request with *Vision 2001–2020's* policies of minimizing curb cuts and taking advantage of opportunities to share points of access on a multiple use, multiple structure parcel; Justification of more than one curb cut from a functional standpoint given that no median break on Orange Avenue would be permitted in this location because of the proximity to the Mexico Way/Blue Hills traffic signal.

- Freestanding signage
- C-2 sign regulations would permit a total sign allocation for the property, both attached and freestanding, of up to 848.5 square feet of sign area; and
- Up to three freestanding sign structures on the property would be permitted, which structures could include a total of four signs, with up to a total of 249 square feet of sign area;
- Relationship of a building or buildings to Orange Avenue in terms of defining the streetscape, particularly in regard to the setback of any building and the amount of pavement that separates any building from Orange Avenue;
- Landscaping, specifically in terms of preserving and replacing tree canopy; and
- Designation and planting of the required landscape buffer along the subject property's southern and eastern boundaries which abut a residentially zoned parcel.

It was advised that given the significance of the property, both its location and size, a change in zoning district designation that would permit C-2 development of the site should be deemed appropriate only if the proposed development is found to be consistent with *Vision 2001-2020's* policy regarding the creation of commercial centers rather than strip development; and the petition, in its current form, is seriously deficient in providing definition that allows an assessment of the consistency of the request with the following policies and principles of *Vision 2001-2020*:

- Commercial development should be concentrated at key intersections. Curb cuts should be minimized.
- Encourage maximum use of commercial and industrial sites by addressing setbacks, lot coverage, parking requirements, and landscaping to encourage development of commercial businesses in centers versus strip developments.

- A continued comprehensive emphasis on city design will improve Roanoke's attractiveness for new commercial and residential development and strengthen individual neighborhoods.
- Buildings and trees should shape the City's image rather than asphalt and signs.
- Building location and design should be considered as important elements of the streetscape and should be used to define the street corridor as a public place.
- Parking: Roanoke will discourage excessive surface parking lots, off-street parking will be encouraged to the side or rear of buildings.
- Commercial centers
- Maximize site development through reduced parking spaces, increased lot coverage, and parcels developed along street frontages.
- Parking lots should have trees located in the interior of the site and along street frontages.
- Curb cuts should be minimized; shared parking lots should be encouraged.
- Signs should be limited in number and scaled in size to minimize visual clutter.

It was noted that the concept plan of the petition and the lack of definition of site development in the form of proffered conditions raise serious questions about the site being developed in a manner that is consistent with *Vision 2001–2020*, particularly with regard to commercial development along major corridors and at gateways to the City; and the current form of the petition, if approved, could result in land uses and site development that would permit a continuation of a strip commercial pattern of development on the site that would be inconsistent with *Vision 2001–2020*.

The City Planning Commission advised that without a clearer definition of the proposed development in terms of use and site development that would allow for an assessment of the consistency of the proposal with *Vision 2001–2020*, it is recommended that Council deny the request for rezoning.

Mr. Dowe offered the following ordinance:

"AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title."

Mr. Dowe moved the adoption of the above referenced ordinance. The motion was seconded by Mr. Harris.

Maryellen F. Goodlatte, Attorney, representing the petitioner, advised that Fudds of S. W. VA., Inc. (Fudds), owns three acres of land on Route 460 which are close to the Roanoke County line and zoned RS-3, with the exception of a small "dog leg" adjacent to the property that is part of a larger tract of land owned by Parkway Wesleyan Church; all properties adjoining the property in question on both sides of Route 460 are zoned commercial; and Fudds wishes to rezone the property to C-2. General Commercial District, in order to construct and operate a Fuddruckers Restaurant. She further advised that because the site consists of slightly more than three acres, the owner would like to place a complimentary use on the property as well once the restaurant is operational; however, at this point, the owner does not know what the use will consist of, but recognizing that there are certain C-2 uses that would not be appropriate for the site, the petitioner has proffered approximately 15 uses which are listed on the petition for rezoning. To help allay any concerns over what might go on the site, she stated that Fudds has offered to add an additional proffer that the first use to be developed on the property will be a restaurant; there is no question that commercial zoning is appropriate, given the nature of development along Route 460; Fudds wishes to invest in the property and believes that a Fuddruckers Restaurant will be well received by persons who travel, live and work along the Route 460 corridor; the concept plan is consistent with existing development patterns along Route 460; in an existing commercial area like Orange Avenue/Route 460, the experience of Fudds has been that customers will not come to a restaurant that does not offer convenient, visible and accessible parking; the focus on building placement and parking issues resulted in Fudds requesting a continuation of the matter while it considered whether or not to proceed; the bottom line for Fudds is that the company cannot invest in the property if the restaurant is required to be placed on the site in such a way that the business will be unsuccessful; and by proffering certain uses, Fudds believes that the restaurant will be a good fit among Route 460 neighbors, some of which are currently zoned conditional C-2 and some unconditional C-2. She stated that her client is not insensitive to many of the issues raised by City Planning staff; i.e.: plans include only one free standing sign and Fudds will work with the City to minimize curb cuts so long as the curb cuts accommodate future additional use(s). She advised that the City Planning Commission has recommended that Council deny the request for rezoning; however, to deny the rezoning and to keep the site residential does not make sense, because Orange Avenue is a mature commercial boulevard with commercial and not residential uses as its future; and it should be noted that no citizen objected to the request for rezoning.

On behalf of her client, Ms. Goodlatte requested that Council approve the request for rezoning and advised that her client is willing to submit additional proffers if such is the desire of the Council.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of the request for rezoning, the effect of which will be to add another new business to the City of Roanoke, employ between 50 - 75 persons, and generate additional tax dollars to the City. He stated that adequate parking is available and asked that Council work with the Fudds regarding additional proffers.

Mr. Bill Tanger, 257 Dancing Tree Lane, Roanoke County, spoke in support of the request for rezoning under the general proffers that are currently proposed. He stated that concern by City Planning staff is an early application of a new zoning effort that is underway in the City; however, the location in question is an inappropriate place to begin; setbacks and the building orientation does not make sense in this section of the City; and concerns raised by City Planning staff relate to the City's Comprehensive Plan, Council has the authority to amend the Comprehensive Plan, and is encouraged to do so.

There being no further speakers, the Mayor declared the public hearing closed.

Council Member Bestpitch offered a substitute motion that the matter be referred back to City Planning staff to review additional proffers and report to Council no later than the regular meeting on Monday, June 21, 2004. The motion was seconded by Mr. Cutler.

Following further discussion, the Agent to the City Planning Commission was requested to respond to the rationale of the Planning Commission in recommending a denial of the request for rezoning; whereupon, he advised that the issue of turning the building sideways was not a requirement of City Planning staff; however, staff was concerned about the amount of parking between the building and the street, which then led to the location of the front door because of the desire of the petitioner to have at least a majority of the parking in proximity to the front door. He called attention to the Western Sizzlin Restaurant which is located immediately across the roadway where all but five parking spaces are to the right of the building, the front door is to the side of the building, and it is a successful operation. With regard to curb cuts, he advised that there are no median breaks on Orange Avenue in proximity to the site and to have two curb cuts would further complicate the traffic issue: and no specific site development proffers are included in the current petition for rezoning. He advised that City Planning staff will work with the petitioner to address the parking issue and present a complete package to Council as to what will ultimately be developed on the site.

Following further discussion in which it was noted by several Members of Council that the subject of additional proffers should be addressed by the attorney for the petitioner and City Planning staff and not on the Council floor, the substitute motion was unanimously adopted.

TAXES-RADAR: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Thursday, May 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Unified Human Services Transportation System, Inc. (RADAR), for exemption from local real estate taxation of real property located between Breckinridge Avenue and Baker Avenue. N. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, May 14, 2004.

The City Manager submitted a communication advising that Unified Human Services Transportation Systems, Inc., which transacts business as RADAR, owns property known as Official Tax Nos. 2510106-2510117, inclusive, located between Breckinridge Avenue and Baker Avenue, N. W.; the primary purpose of RADAR is to provide an efficient and cost-effective transportation system for the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation; and annual taxes due for fiscal year 2004-2005 are \$296.44 on an assessed value of \$24,500.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution No. 36331-051903, which adopted the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; Unified Human Services Transportation Systems, Inc. (RADAR), provided the necessary information required as a result of adjustments made to the City's revised local policy prior to the deadline of April 15, 2004; and according to the Commissioner of the Revenue's Office, the loss of revenue to the City will be \$237.19 after a 20 per cent service charge, or \$59.25, is levied by the City in lieu of real estate taxes.

It was explained that the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes by classification or designation under the Code of Virginia; and the IRS recognizes RADAR as a 501(c) 3 tax-exempt organization.

The City Manager recommended that Council approve the request of Unified Human Services Transportation Systems, Inc. (RADAR), for exemption from real estate property taxation, pursuant to Article X, Section 6(a)6, Constitution of Virginia, effective July 1, 2004, if the organization agrees to pay the subject service charge by that date.

Mr. Dowe offered the following ordinance:

(#36703-052004) AN ORDINANCE exempting from real estate taxation certain property of the Unified Human Services Transportation System, Inc. (RADAR), located in the City of Roanoke, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 483.)

Mr. Dowe moved the adoption of Ordinance No. 36703-052004. The motion was seconded by Mr. Bestpitch.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36703-052004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith -----7.

NAYS: None-----0.

CITY PROPERTY-COMMUNITY PLANNING-TELEPHONE EQUIPMENT: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Thursday, May 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an Amendment of Vision 2001–2020, the City's Comprehensive Plan, to include the Wireless Telecommunications Policy, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 3, 2004, and Monday, May 10, 2004; and in *The Roanoke Tribune* on Thursday, May 13, 2004.

The City Planning Commission submitted a written report advising that the Wireless Telecommunications Policy was drafted to address the increasing demand for wireless telecommunications facilities by setting forth policies, principles, and intended achievements in regard to regulating wireless telecommunications facilities on both publicly and privately owned land; and recent court cases have underscored the importance of jurisdictions adopting a wireless telecommunications policy.

It was further advised that the *Wireless Telecommunications Policy* acknowledges the parameters of the regulation as set forth in the Telecommunications Act of 1966, while recognizing the Act's preservation of the City's zoning authority over the placement, construction, and modification of personal wireless service facilities; and the *Wireless Telecommunications Policy* sets the direction for specific standards and development regulations within the City's zoning ordinance for the development of wireless telecommunications facilities, such standards to provide a uniform approach toward analyzing and processing wireless telecommunications facilities requests from a land use perspective.

It was explained that the recommendations of the *Wireless Telecommunications Policy* are intended to accommodate the growing coverage and capacity needs of carriers, while preserving and minimizing the negative impact that wireless telecommunications towers have on the surrounding natural and built environments; and major recommendations of the *Wireless Telecommunications Policy* are to:

- Encourage collocation of antennas on existing towers, structures, and buildings and the use of stealth wireless telecommunications facilities through a streamlined approval process
- When necessitated, approve new towers that are low impact in terms of location, siting, height, and design by
- Establishing a hierarchy of categories of lands on which to construct wireless telecommunications towers
- Establishing guidelines for siting a wireless telecommunications tower on a property
- Requiring applicants to document justification for requested heights of towers
- Considering the mitigation of the visual impact of a tower through design elements such as the size, area, and bulk of the tower or other support structure, associated equipment enclosures, and the types of antenna and mounting techniques
- Take a regional approach by considering the potential impact of a proposed wireless telecommunications facility on surrounding jurisdictions as well as the City
- Establish a process and fee for utilizing a consultant to assist the City in evaluating the alternatives and potential impacts of a special exception request for a wireless telecommunications facility

- Develop uniform standards of visibility and impact within zoning regulations by which applications for wireless telecommunications facilities will be reviewed and evaluated Vision 2001-2020 includes the following three general polices related to wireless telecommunications facilities:
- IN P6 Roanoke will facilitate development of the capacity and coverage of fiber-optic, cable, and wireless communications networks.
- IN P6 The visual impact of telecommunication facilities will be minimized by collocation and placement of towers in strategic locations.
- EC A11Adopt zoning regulations that address communication towers to minimize their visual impact.

It was advised that the *Wireless Telecommunications Policy* is the next step in further refining the general policies of Vision 2001–2020; the *Wireless Telecommunications Policy* has more specific policies and actions for reviewing and evaluating requests for wireless telecommunications facilities within the City; and the *Wireless Telecommunications Policy* contains specific recommendations that should be implemented through update of the zoning ordinance.

The City Planning Commission recommended that Council adopt the Wireless Telecommunications Policy as an element of Vision 2001-2020, the City's Comprehensive Plan.

Mr. Fitzpatrick offered the following ordinance:

(#36704-052004) AN ORDINANCE approving the Wireless Telecommunications Policy, and amending <u>Vision 2001-2020</u>, the City's Comprehensive Plan, to include the Wireless Telecommunications Policy; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 486.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36704-052004. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36704-052004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Harris, Wyatt, Bestpitch, and Mayor Smith-----7.

NAYS: None-----0.

OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: Edward A. Natt, Attorney, representing Rodney Tozier and Travis Tozier, d/b/a Community Properties, LLC, presented an appeal to a decision of the Architectural Review Board rendered on March 1, 2004, pursuant to Section 36.1-642(c) of the Code of the City of Roanoke (1979), as amended, with regard to property located at 365 Washington Avenue, S. W., which property is located in the H-2, Neighborhood Preservation District.

Mr. Natt advised that the former metal roof was in a state of disrepair and was replaced with asphalt shingles and the petitioner innocently replaced the roof on the structure without seeking a Certificate of Appropriateness from the Architectural Review Board. He stated that the Architectural Review Board denied the Certificate of Appropriateness; staff comments were that the petitioner replaced the roof prior to advising City staff, therefore, staff had no opportunity to assess the pre-existing condition of the roof; the petitioner submits that there was a definite and immediate need to replace the roof; and the replacement roof is appropriate in that it is similar to other roofs which have received a Certificate of Appropriateness from the Architectural Review Board.

In further explanation of the request, Mr. Natt advised that:

- His client did not seek approval from the Architectural Review Board before the roof was replaced; and while ignorance of the law is no excuse, knowledge of the law is an every day learning experience.
- Mr. Tozier contracted to purchase the house from Mr. George Bristol and as a part of the negotiations, a reduction in the price of the house, or replacement of the roof, was offered; and Mr. Bristol agreed; as seller of the house, to undertake replacement of the roof.
- Mr. Tozier proceeded with purchase of the house and Mr. Bristol engaged the services of a roofer to replace the roof.
- No building permit is required for replacement of a roof.
- Following closing proceedings on the property, the error was called to Mr. Tozier's attention.
- The roof on Mr. Tozier's house is similar to other roofs in the neighborhood.

Tony Barnes, roofer, advised that the roof was rusting underneath and appeared to have been patched on numerous occasions, therefore, the roof was not salvageable.

In view of the fact that the roof needed to be replaced, replacement of the roof was a part of the conditions of sale of the property, and the similarity of the new roof to other roofs in the neighborhood, Mr. Natt requested that Council over turn the decision of the Architectural Review Board.

Jackie Cannaday, 424 Washington Avenue, S. W., President, Old Southwest, Inc., requested that Council affirm the decision of the Architectural Review Board regarding replacement of the roof at 365 Washington Avenue, S. W. She advised that H-2 guidelines clearly state that the same materials and design must be used in order to replace an existing roof; although the homeowner reports that he did not know about the guidelines, his contractor previously acquired a Certificate of Appropriateness to replace a roof at a home on the next block; and a street sign on the corner of Washington Avenue and Franklin Road states that the area is designated as a historic district. She stated that the roof is a prominent feature of any house, but particularly so in Old Southwest due to the number of standing seam metal roofs and slate roofs in the neighborhood; and any change from original roofing materials or design

alters the overall appearance of the home and its architectural integrity. She added that if the historic guidelines are not enforced, the architectural integrity of the neighborhood will be lost; Old Southwest stands behind the H-2 guidelines in order to maintain the historic and architectural integrity of the neighborhood, and it is hoped that Council will enforce the H-2 guidelines.

Robert B. Manetta, Vice-Chair, Architectural Review Board, advised that:

• Section 36.1–345(c) of the Zoning Ordinance provides:

"The replacement of roofing materials shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark.

- The materials being used were not the same material or design as the original and the architectural defining features of the building were not maintained as a result of the project; the project, therefore, required a Certificate of Appropriateness.
- The H-2 Architectural Design Guidelines adopted by the Architectural Review Board and endorsed by Council state that architectural styles are often identified by the form and materials of the roof, which is an important design feature; a well maintained roof and gutter system will help prevent the deterioration of other parts of a building; changing, removing, or adding materials or features to a roof can often alter or destroy a building's character; the guidelines further recommend that the following be considered specifically when evaluating roofs:

Identify and keep original materials and features of roofs.

Do not remove historic roofing materials, such as slate, clay, tile, wood shingles, or metal, that are still in good overall condition.

Keep standing seam roofs painted and all seams tightly crimped.

When it is not feasible to replace standing-seam metal roofs with the same materials, explore the use of prefabricated battened-metal roof systems.

• Since January 1, 2000, there has been no request to the Architectural Review Board to approve the replacement of standing-seam metal with fiberglass shingles on the main roof of a house; there have been two requests, however, including one at the April 2004 Board meeting that were approved to replace slate shingles with architectural grade fiberglass shingles that emulated slate shingles; the projects were approved because the applicant provided sufficient detail and proposed to apply the materials in a manner that preserved the character of the structure.

On behalf of the Architectural Review Board, Mr. Manetta recommended that Council affirm the decision of the Board to deny the issuance of a Certificate of Appropriateness.

Following discussion of the matter, based on evidence, testimony and documents, Mr. Harris moved that Council affirm the decision of the City of Roanoke Architectural Review Board on March 1, 2004, that no Certificate of Appropriateness be issued for roof replacement at 365 Washington Avenue, S. W., as set forth in the Petition of Appeal, on the grounds that the proposed installation would not be compatible with the architectural defining features of the building. The motion was seconded by Mr. Bestpitch.

If Council votes to affirm the decision of the Architectural Review Board, question was raised in regard to options, if any, that are available to the petitioner; whereupon Mr. Townsend advised that the petitioner requested the Architectural Review Board to approve the asphalt shingle roof; if Council upholds denial by the Architectural Review Board, the applicant has 30 days stay in order to appeal the decision of the Council to the Circuit Court; and after that time, if the petitioner does not choose to appeal, he will be in violation of the City's Zoning Ordinance. He reviewed the following options: the petitioner can present a new proposal to the Architectural Review Board for a different type of roof, and offer modifications to the current roof to determine if the changes/modifications are amenable to the Board; the petitioner can remove the roof and re-establish a metal seam roof on the house in some manner similar to the original roof; and other roof materials could be proposed to the Architectural Review Board for consideration.

As a compromise, question was raised as to whether improvements could be made to the house such as changing a window or a porch, etc., that would be more amenable to the neighborhood; whereupon, Mr. Townsend advised that given the fact that a shingle roof was installed, not a great deal can be done to supplement or compliment the existing roof. He stated that the biggest concern is the existence of one house with two very different styles of roofing material, therefore, it is difficult to modify one or the other while bringing both into a compatible nature.

The Mayor inquired if Mr. Tozier was willing to make any compromise proposals; whereupon, Mr. Natt advised that the petitioner has offered to remove the porch awning and repair the metal porch roof.

The motion offered by Mr. Harris, seconded by Mr. Bestpitch, to affirm the decision of the Architectural Review Board, was adopted by the following vote:

AYES: Council Members Cutler, Bestpitch, Dowe, Fitzpatrick, Harris, and Wyatt-----6.

NAYS: Mayor Smith-----1.

ARCHITECTURAL REVIEW BOARD: Mr. Steven Duggar presented an appeal to a decision of the Architectural Review Board rendered on April 8, 2004, pursuant to Section 36.1-642(d), Code of the City of Roanoke, (1979), as amended, with regard to property located at 717 Highland Avenue, S. W., which property is located in the H-2, Neighborhood Preservation District.

Mr. Duggar advised that the windows were replaced with vinyl windows inasmuch as the original windows were damaged by age; the contractor installed the same design as the old windows in order to keep coal dust and noise from trains to a minimum; however, in stating the grounds for appeal, the Architectural Review Board maintained that the muntins do not have the same shadow depth.

Jackie Cannaday, 424 Washington Avenue, S. W., President, Old Southwest, Inc., requested that Council uphold the decision of the Architectural Review Board. She advised that the guidelines specifically state that windows can only be replaced if the same materials and design are used; the home owner did not follow the guidelines, nor did he apply for a Certificate of Appropriateness to replace the windows; the fact that the homeowner had acquired a prior Certificate to construct a deck behind his home suggests that he was aware of the H-2 guidelines; the windows of the house are one of the most defining features of a home because they provide the scale and character that make the house unique; the use of exterior muntins on windows as often

seen in older homes adds to the depth by creating a shadow line; when new windows are installed without exterior muntins, this affect is lost, thus, altering the appearance of the home; the architecture and history of homes make Old Southwest a historic neighborhood; and if architectural details of the homes are not maintained, the houses will loose their uniqueness. She advised that Old Southwest, Inc., does not want to alienate residents and property owners, but residents strongly encourage the City to enforce the H-2 guidelines because it is believed that this case will set a precedent for how the Architectural Review Board will be viewed in the future and how the H-2 guidelines will be enforced.

Robert B. Manetta, Vice-Chair, Architectural Review Board, advised that:

• Section 36.1–345(c) of the Zoning Ordinance provides:

"The replacement of windows shall not require a certificate of appropriateness provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building, structure or landmark."

- The materials being used were not of the same design as the original material and the architectural defining features of the building were not maintained as a result of the project; the project, therefore, required a Certificate of Appropriateness.
- The H-2 Architectural Design Guidelines adopted by the Architectural Review Board and endorsed by Council state that windows and doors are especially important in rehabilitation; their size, shape, pattern, and architectural style not only provide architectural character but also give a building much of its scale and detail; the guidelines further recommend that the following be considered specifically when evaluating windows:

Identify and keep the original materials and features of windows, such as size, shape, glazing, muntins and moldings.

Consider new replacement windows only when old replacements are unavailable; new replacements should be compatible in size and shape, design, and proportion.

Use storm windows to improve thermal efficiency of existing windows.

• Since January 1, 2000, there have been 15 window replacement approvals in the H-2 District (1 from the Architectural Review Board and 14 administratively).

On behalf of the Architectural Review Board, Mr. Manetta recommended that Council affirm the Board's decision to deny the issuance of a Certificate of Appropriateness for property located at 717 Highland Avenue, S. W.

The Mayor inquired if there is a way to inform purchasers of property in Old Southwest that the property is located in an historic district; whereupon, the City Attorney advised that there is no specific legal requirement that a notice be provided to a new purchaser, or that notice be appended to a deed or recorded in the Clerk's Office to put the purchaser on notice; however, zoning is a part of the title process which should be reflected in the title report that the property is located in an historic district.

The City Manager advised that when a property transfer occurs in the future, City staff will identify ways in which the property owner will be notified that the property is located in the historic district, including guidelines for addressing improvements to property in the historic district.

Council Member Wyatt made the observation that potential purchasers of property in the historic district should be notified by the realtor handling the transaction prior to purchase of the property that the property is located in an historic district and that certain guidelines are applied with regard to improvements and renovations to homes in the historic district. She stated that after the property has been purchased, it is too late to put the purchaser on notice.

Mr. Manetta concurred in the need to include a notice in the transfer of property stating that the house is located in the historic district. He explained that currently a building permit is not required to replace roofs, install siding, and replace windows, therefore, he would ask that Council encourage the General Assembly to enact legislation that will require a building permit for such purposes in the historic districts. Thirdly, he suggested that building contractors be notified of regulations that apply to historic neighborhoods.

Mr. Townsend expanded on Mr. Manetta's remarks by advising that a building permit is no longer required for installation of fences and walls below four feet in height which is also an important issue in the historic district.

Following further discussion, based on the evidence, testimony and documents, Mr. Bestpitch moved that Council affirm the decision of the City of Roanoke Architectural Review Board on April 8, 2004, that no Certificate of Appropriateness be issued for the replacement of vinyl windows, as set forth in the Petition of Appeal, on the grounds that the installation is not compatible with the architectural defining features of the building. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES: Council Members Bestpitch,	•	•	
wyatt				 -0
	NAYS: Mayor Smith			 1.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

AIRPORT-TRAFFIC: Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation to Mayor Smith and Council Members Bestpitch and Wyatt for their service on Council. He commended the City on plans to relocate the entrance to the Roanoke Regional Airport and the installation of a traffic light.

COMPLAINTS-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to overall conditions in the City of Roanoke, the need to talk with citizens to learn more about issues of concern, appropriate application of the law, and the City's inadequate pay scale and pay for performance program which does not bring the salary of the average City employee to an acceptable level.

There being no further business, the Mayor declared the meeting adjourned at 9:00 p.m.

APPROVED

ATTEST:

Mary F. Parker City Clerk Ralph K. Smith Mayor

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

June 7, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, June 7, 2004, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2–15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193–010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----5.

ABSENT: None-----0.

(Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick, Jr., arrived late.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Smith					Bestpitch,			
NAYS: N	lone							0.
(Council Men recorded.)	ibers Do	we and Fi	tzpatrick	were r	ot present	when tl	ne vo	te was
CITY CO Chair, City C Closed Meeti pursuant to § the body.	ouncil Pe	ersonnel Cours the pe	Committe erformai	ee, requ nce of tv	vo Council-	t Counci -Appoint	l con ed Of	vene a fficers,
Mr. Cut Meeting as a adopted by tl	above des	scribed.			ie request t s secondec			
AYES: Smith					Bestpitch,			
NAYS: N	None							0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2–3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----5.

NAYS: None-----0.

(Council Members Dowe and Fitzpatrick were not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRIING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

Dr. Cutler requested information on the reallocation of greenway money; whereupon, the City Manager advised that the capital project was originally misnamed; the intent several years ago when the City committed to support a \$2 million greenway effort over ten years was not specifically related to the Roanoke River Greenway, which is intended to be funded under the Roanoke River Flood Reduction Project; City staff is attempting to correct the fact that the City has several years of allocations of funds toward greenways that cannot be spent because the funds have the designation Roanoke River, and a report is included on the 2:00 p.m. docket to appropriate next year's allocation of \$200,000.00. She stated that efforts are underway to accelerate as much of the greenway development as possible and it is anticipated that the Lick Run Greenway will be completed over the next 12 months.

The City Manager was requested to comment on the status of the Lick Run Greenway; whereupon, she advised that efforts continue to obtain a signed document from one of the two property owners through which an easement is needed between Orange Avenue and the street that runs to the rear of the Civic Center; once easements are secured, the City will contact the Virginia Department of Transportation for permission to use the area that is within an area designated for future acquisition for road improvements, following which construction will proceed. She stated that the plan is to go all the way to The Hotel Roanoke, cross at The Hotel Roanoke over to the O. Winston Link Museum, with some minor enhancements/improvements to the rear of the Civic Center entrance which is intended to encourage Civic Center patrons to park downtown and walk between downtown Roanoke and the Civic Center.

Council Member Dowe entered the meeting.

In connection with Civic Center rear entrance enhancements, Council Member Bestpitch inquired if a fence or guardrail will be erected along the walking path for pedestrian safety purposes; whereupon, the City Manager advised that City staff will prepare specific designs/cost estimates for review by Council.

Council Member Cutler presented copy of a newsletter prepared by the Western Virginia Land Trust entitled, "Saving Your Land and Water; Carvins Cove Watershed of Catawba Valley", which includes case histories of families living in Catawba Valley and the upper Tinker Creek area, with regard to their efforts to protect the watershed. He commended Michael McEvoy, Director of Utilities, for his assistance in working with the Western Virginia Land Trust on the newsletter which will be mailed to every resident of Catawba Valley and the upper Tinker Creek area.

The Mayor referred to unsuccessful efforts by the City with the Virginia Department of Transportation to clean up the major intersections to the City from I-581 and inquired as to what action, if any, the City can take to address the matter. The City Manager responded that a strongly worded letter could be forwarded on behalf of the Council to the Virginia Department of Transportation; however, absent VDOT's moving forward, City forces could clear the property which will most likely then become a responsibility of the City to do on a regular basis in the future. She added that another course of action would be to request the Sheriff to assign City Jail inmate crews to the intersections.

In a further discussion of the matter, the City Manager referred to experimental treatments that have been applied by City crews at various locations to test a particular type of growth retardant that provides for slower growing ground cover which, if successful, will help to keep down some of the maintenance costs. She advised that the growth retardant could be priced for use at specific City/I-581 intersections; a cost estimate could be prepared for City crews to clear the intersections, and/or the cost for City Jail inmates to clear the intersections with materials to be supplied by the City.

The Mayor stated that litter which accumulates in ditches is also a problem because of the inability of volunteers to reach the area.

Dr. Cutler called attention to an alley that is in need of clean up which is located between the new ambulatory surgery center on Jefferson Street and Albemarle Avenue in the vicinity of the Getty Convenience Store.

Council Member Cutler referred to the condition of the roof on the former Virginian Railway Station and the need for repairs before further deterioration occurs; whereupon, the City Manager advised that the property is in the ownership of the Railroad Historic Preservation Society awaiting grant funds.

Upon request by the Mayor, the City Manager presented information on City of Roanoke recommended funding for arts and cultural organizations as compared to the amount of funding that Roanoke County is providing to the same organizations. She stated that the bulk of Roanoke County's funding is devoted to Explore Park since the County has taken over operation of the facility.

Council Member Fitzpatrick entered the meeting.

There was discussion in regard to a request of the Virginia Museum of Transportation for an additional \$20,000.00 of support from the City for fiscal year 2005; the benefit of the Harrison Museum of African American Culture to the citizens of Roanoke since staffing levels and hours of operation have been decreased; and the status of the Northwest Neighborhood Environmental Organization (NNEO) 5th Street Gateway Project.

The City Manager advised that a meeting is scheduled in the near future with City staff and the Blue Ridge Housing Development Corporation to discuss the NNEO project at which time staff will discuss operational concerns expressed by Council regarding the Harrison Museum. She stated that if Council wishes to act on the fiscal year 2005 funding recommendations of the Roanoke Arts Commission at its 2:00 pm. session, the Harrison Museum appropriation could be deleted or Council could direct that the funds be held in abeyance until clarification is received from Harrison Museum officials.

The Mayor spoke in support of appropriating an additional \$1,500.00-\$2,000.00 for fiscal year 2005 to Explore Park as a symbolic gesture toward the day when Explore Park might become a more localized venue and the City could conceivably play a role in the decision making process relating to the Park.

Mr. Fitzpatrick addressed the need to look at a more policy-oriented approach to arts and cultural organizations and determine which organizations provide the most benefit to the economy of the City of Roanoke and the Roanoke Valley region through economic multipliers.

It was the consensus of Council that funding for the Harrison Museum of African American Culture will be deleted from the fiscal year 2005 funding recommendations of the Roanoke Arts Commission pending additional information to be provided by the City Manager pursuant to the above discussion.

TOPICS FOR DISCUSSION:

COUNCIL LIAISON COMMITTEE REPORTS:

Vice-Mayor Harris, Council's liaison to the Roanoke Redevelopment and Housing Authority, advised that the Housing Authority will continue to provide monthly updates on projects, programs, etc. Unless otherwise directed by the Council, he stated that the monthly breakfast meetings attended by Housing Authority/City staffs, the Chair of the Housing Authority, Council's liaison to the Housing Authority, and Members of Council on a rotating basis, will continue as a means of sharing information.

Council Member Cutler advised that pursuant to discussions by Council with regard to Council Members serving in liaison roles on various committees, he will no longer serve as Council liaison to the Mill Mountain Zoo, the Mill Mountain Advisory Committee, and the Roanoke Arts Commission on July 1; whereupon, the City Manager advised that depending on Council's action after July 1, 2004, City staff assigned to work with the various committees will provide Council with periodic and more indepth updates.

There was discussion with regard to the City's appointments to the Roanoke Valley Allegheny Regional Commission; whereupon, it was noted that the City appoints six persons to the Commission, three of which must be filled by an elected official. It was also noted that according to the by-laws, the City's representative to the Roanoke Valley Metropolitan Planning Organization must be filled by an elected official; whereupon, Council Member Cutler expressed an interest in serving.

Because of the City's investment in the Roanoke Regional Airport, the Mayor encouraged Council to consider the same process for appointing members to the Airport Commission that is used for appointments to the Roanoke City School Board, Board of Zoning Appeals, Architectural Review Board, Industrial Development Authority and Roanoke Redevelopment and Housing Authority; i.e.: a formal application/interview process.

The City Manager concurred in and expanded on the Mayor's remarks and advised that in order to build relationships, it would be advantageous to hold at least one annual joint meeting of the Council and the Roanoke Regional Airport Commission.

The City Manager was requested to report on discussions with Landor Associates on the City's branding activities to date; whereupon, she advised that three tag lines have been suggested, legal review has been completed and Landor Associates is prepared to move to the next phase by taking the three tag lines to focus groups, an analysis will be presented to Council, and the new brand has been rolled out to the community with positive reactions.

PROPOSED AGENDA ITEMS FOR THE JOINT MEETING OF COUNCIL AND THE ROANOKE CITY SCHOOL BOARD ON JULY 6, 2004:

Vice-Mayor Harris advised that a joint meeting of Council and the Roanoke City School Board will be held on Tuesday, July 6, 2004, at 9:00 a.m., at the Roanoke Higher Education Center, and the majority of the meeting will be devoted to a report by the School Safety/Discipline Task Force.

At 10:20 a.m., the Council meeting was declared in recess for one Closed session to be held in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, to discuss performance evaluations of two Council-Appointed Officers.

The Council meeting reconvened at 11:55 a.m., in Room 159, Noel C. Taylor Municipal Building, with all Members of the Council in attendance, Mayor Smith presiding.

BRIEFINGS:

2003 Citizen Survey:

The City Manager advised that the 2003 City of Roanoke Citizen Survey focused on customer satisfaction levels and the issue of customer service generally; results of the survey can be used to assist the City in trying to be more responsive with respect to delivery of service; previous survey results have helped to guide the City to place limited resources in the right areas, and to aid in consistency of comparing survey results from one year to the next because many questions are the same or similar in nature. She stated that it is believed that the best way to judge the City of Roanoke is to judge from year to year or to judge the trends that occur over multiple years; in addition to asking citizens to rate the quality of each of the many varied City services, the survey instrument also asked citizens to rate the importance of the particular service to them; and respondents were asked to answer what is the single most important thing the City should be doing at the present time. Ms. Burcham introduced Susan Willis—Walton, Co-Director, Virginia Tech Center for Survey Results, to present the briefing.

Ms. Willis-Walton presented the following highlights of the survey:

 City Services That Continue to Maintain a High Satisfaction Rating (80 per cent or greater):

Fire protection services (95.1 per cent)
911 Emergency Call Center (94.1 per cent)
Emergency and rescue services (93.0 per cent)
Public library services (92.6 per cent)
Weekly trash collection (84.6 per cent)
Water utility serves (84.4 per cent)
Health Department (82.2 per cent)
Mowing of City parks (81.9 per cent)
Management of emergency situations (81.8 per cent)
Sewer utility services (81.6 per cent)
Valley Metro bus services (80.4 per cent)

• City Services With At Least A Five Position Rank Order Increase Since 2002:

Health Department (from 12th to 6th)
Water utility services (from 37th to 8th)
Valley Metro bus services (from 14th to 9th)
Street lighting (from 33rd to 26th)
Getting information to citizens (from 35th to 30th)

 City Services With At Least A Five Position Rank Order Decrease Since 2002:

Recycling service (from 10th to 17th)
Quality of Civic Center cultural events (from 17th to 22nd)
Building permit application/review (from 22nd to 29th)
Maintenance of storm drainage systems (from 24th to 35th)
Economic development assistance (from 29th to 37th)
Street paving, maintenance and repair (from 41st to 46th)

Services With Most Discrepant Importance Versus Quality Ratings:

Mowing of City parks - low importance/high quality
Response to citizen complaints and requests - high
importance/low quality
Street paving, maintenance and repair - high
importance/low quality
Valley Metro bus services - low importance/high quality

• Citizen Opinions On Most Important Need for City Now:

More beautification/maintenance: roads, housing, sidewalks, parks and storm drainage systems (37)

More employment opportunities in Roanoke (37)

Increased funding for schools/education (35)

Better functioning government: cooperation, allocation of funds, and decision-making process (30)

More economic development and expansion (28)

Water services and availability (25)

More police and patrol of high crime areas (22)

More assistance programs for needy individuals (21)

 Citizen Agreement on Roanoke Strategic Issue/New Project Survey Items 2003:

How much do you agree with the idea of the City of Roanoke joining with Roanoke County to develop a water and sewer authority (strongly and somewhat agree)

2000 - NA

2001 - NA

2002 - NA

2003-88.6

How much would you agree with this joint water and sewer authority if it means that your water and sewer bills will be increased? (strongly and somewhat agree)

2000 - NA

2001 - NA

2002 - NA

2003 - 65.2

The services provided by the City of Roanoke are worth the taxes paid by citizens. (strongly and somewhat agree)

2000 - 6.8

2001 - 75.1

32001 - 70.3

2003 - 69.7

How would you rate the effectiveness of the City of Roanoke government in meeting community needs? (very and somewhat effective)

2000 - 79.4

2001 - 80.4

2002 - 74.3

2003 - 68.8

Roanoke is actively expanding cooperative efforts with other local governments in our region. (Strongly and somewhat agree)

2000 - 58.9

2001 - 71.1

2001 - 53.7

2003 - 64.0

City government performance is improving in Roanoke. (strongly and somewhat agree)

2000 - 72.9

2001 75.9

2002 - 63.1

2003 - 61.5

The City Manager reviewed the following Action Plans:

• Street Paving/Maintenance:

A "Right of Way Excavation and Restoration Standard" is in the final stages of development which will provide an enhanced level of inspection and an improved standard of repair for over 2,000 utility cuts made annually.

A specialized pothole patching truck has been deployed that will improve the repair process which has the capability to keep asphalt hot that will allow patching to take place over a greater portion of the year.

The Division will continue working to meet its goal of paving 57 lane miles per year; however, the increasing cost of asphalt and milling will make this challenging.

Staff will continue to investigate alternative pavement maintenance methods, such as crack sealing and slurry sealing.

• Maintenance of Storm Drainage Systems:

Evaluate implementation of a "storm water utility" fee to provide a dedicated revenue resource to address the \$52 million backlog of storm drain system needs.

Economic Development Assistance to Business:

Participate in a regional low-interest loan pool, the Grow America Fund administered by the National Development Council, that will provide another tool to assist small businesses needing financing.

Increase the number of local businesses visited each year and continue to maintain contact through the business breakfasts.

Identify a key business issue needing to be addressed through a focus group process.

• Improving Civic Center Cultural Events:

The planned expansion of the Civic Center Exhibit Hall and Auditorium will be an impetus for not only improving the quality of cultural programs, but other events as well.

Improved partnership with JAM Theatricals has resulted in a greatly improved product, and the quality of shows has expanded the appeal to many diverse groups.

Become more proactive in seeking non-traditional business:

Researching opportunities in markets that were once overlooked. Researching shows that will reach more diversified audiences. Working with The Hotel Roanoke and the Convention and Visitors Bureau to bring in more convention businesses. Working to host more trade association events. Identifying more outside events for the parking lot and plaza.

Response to Citizen Complaints and Requests:

Restructure the Citizen Service Center to improve overall responsiveness to citizens which will include:

Relocating the staff from the lobby to the first floor of the Municipal Building. Routing calls for solid waste service to staff dedicated to answering those issues.

Routing calls for nuisance code enforcement to staff dedicated to resolving those issues.

Directing all other calls to the Municipal Lobby receptionist for response and routing.

• Response to Citizen Complaints and Requests:

"Welcome Roanoke" program will:

Distribute basic information on City services, cultural activities, and entertainment

Encourage participation in neighborhood organizations.

• City Government Performance is Improving in Roanoke:

Increase involvement of the citizens in decision-making.

City departments will survey their specific customers to aid in process improvements. (Departments include General Services, Parks and Recreation, Social Services, Libraries, Fire, Police, and the Development

Assistance Center.)

Virginia Tech will tailor future citizens surveys to focus more on those services that impact most citizens on a daily basis.

Continue to implement neighborhood plans to address identified needs.

The City will continue to provide information about City services, activities, and events through the media, public information, internally and through publications.

• City Government Performance is Improving in Roanoke:

The City will continue a multi-year plan to build capital maintenance funding in the operating budget for:

Vehicle and equipment replacement Building maintenance Street paving Technology

Question was raised with regard to how to address the sense of competition that exists between the Mill Mountain Theatre and the Roanoke Civic Center; whereupon, the City Manager advised that the issue relates to the ability of the Mill Mountain Theatre to book certain plays which are held for a year or longer by various theatrical companies, and, in effect, the Mill Mountain Theatre is locked out of contracting for the performance if the same theatre production has been booked at the Roanoke Civic Center. She stated that early discussion is needed between Civic Center staff and Mill Mountain Theatre officials with regard to the plays that both entities intend to secure. She mentioned the possibility of holding a one to two night showing of a production which could be followed for a longer production time at the Mill Mountain Theatre, that would allow for one event to be the teaser and the other to be the longer running performance. She stated that these are the kinds of conversations that need to take place.

Council Member Fitzpatrick encouraged the scheduling of a meeting as soon as possible with Mill Mountain Theatre officials, City staff, and the incoming Mayor and Vice-Mayor to discuss the lockout issue and scheduling concerns.

The Mayor called attention to the need for better marketing of events to be held at the Roanoke Civic Center via the electronic bill board signs.

Council Member Bestpitch encouraged the use of Elmwood Park by Mill Mountain Theatre for outdoor productions which have proven to be successful fund raising activities for other organizations.

Council Member Dowe mentioned the opportunity to partner with other local jurisdictions, i.e.: if a Roanoke Valley locality is hosting a sporting event, etc., the City of Roanoke could offer a package activity that would include a theatre/dinner event, etc.

At 1:50 p.m., the meeting was declared in recess to be reconvened at 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, June 7, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor Ralph K. Smith——————5.

ABSENT: Council Member Linda F. Wyatt and Vice-Mayor C. Nelson Harris-----2.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Maurita Wiggins, Pastor, Valley Community Church Divine Science.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-HOUSING/AUTHORITY: The Mayor presented a proclamation declaring the month of June 2004, as Homeownership Month.

PROCLAMATIONS: The Mayor presented a proclamation declaring June 19, 2004, as Juneteenth Festival Day.

ACTS OF ACKNOWLEDGEMENT: The Mayor presented a Star Award to Mr. and Mrs. Robert Morris, owners, Roy L. Webber Florist, in recognition of many years of outstanding service to the Roanoke community.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

OATHS OF OFFICE-HUMAN DEVELOPMENT-COMMITTEES: A communication from Kirk A. Ludwig tendering his resignation as a member of the Human Services Advisory Board, was before Council.

Mr. Fitzpatrick moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Bestpitch,	Cutler	and	Mayor
Smith									5.
		,							
	NAYS:	None							0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-WATER RESOURCES: The following reports of qualification were before Council:

Darlene L. Burcham for a term commencing March 2, 2004 and ending March 1, 2007; and Robert C. Lawson for a term commencing March 2, 2004 and ending March 1, 2008, as members of the Board of Directors, Western Virginia Water Authority.

Gregory M. Cupka as a Commissioner of the Roanoke Redevelopment and Housing Authority to fill the unexpired term of Joseph F. Lynn, resigned, ending August 31, 2007.

1140

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-ROANOKE ARTS COMMISSION: The City Manager submitted a communication advising that the Roanoke Arts Commission Agency Funding Advisory Committee budget, in the amount of \$328,932.00, was established by Council with adoption of the General Fund budget for fiscal year 2004–2005; the total represents an increase in funding of \$6,450.00, or two per cent for the Committee as recommended to Council in February 2004; requests from 19 agencies, totaling \$570,500.00, were received; committee members studied each application prior to an allocation meeting which was held on April 6, 2004; agencies were notified of tentative allocations and advised that they could appeal the recommendations, with two appeals having been filed.

The City Manager recommended that Council authorize the transfer of \$328,932.00 from the Roanoke Arts Commission Agency Funding Advisory Committee, Account No. 001-310-5221-3700, to new line items to be established within the Roanoke Arts Commission Agency Funding Advisory Committee budget by the Director of Finance for fiscal year 2004-2005.

Pursuant to discussion by Council during its 9:00 a.m., work session, Council Member Cutler moved that the \$26,750.00 appropriation for the Harrison Museum of African America Culture be deleted from the ordinance, pending additional information to be provided by the City Manager. The motion was seconded by Mr. Dowe and unanimously adopted.

Mr. Fitzpatrick offered the following budget ordinance with deletion of the line item pertaining to the \$26,750.00 appropriation for the Harrison Museum of African America Culture:

(#36705-060704) AN ORDINANCE to appropriate funds to specific Art Commission agencies, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 487.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36705-060704, as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Bestpitch,	Cutler	and	Mayor
Smith)								5.
	ΔΥς. Ν	lone							0

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Commonwealth Coach and Trolley Museum, which is recommended for funding in the amount of \$1,600.00; however, he receives no remuneration for his service.

BUDGET-Y. M. C. A.-GREENWAY SYSTEM: The City Manager submitted a communication advising that on June 18, 2001, Council adopted the 2002-2006 Capital Improvement Program (CIP); the approved CIP included funding for the Downtown Family YMCA and Roanoke River Greenway projects; beginning in fiscal year 2002, the City committed to a \$2.0 million investment, to be paid in \$200,000.00 increments over a ten-year period to the Downtown Family YMCA; funds are available to cover costs associated with the design and construction of a new central branch YMCA complex; and City residents will receive a discounted membership rate, which will allow them to visit any YMCA facility including the facility in the City of Salem.

It was explained that beginning in fiscal year 2002, the City also committed to contributing \$200,000.00 per year for ten years, for a total of \$2.0 million, to the Roanoke River Greenway project and greenway development; greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourages economic development; greenways connect people to various aspects of a community such as parks, shops, schools and neighborhoods; Roanoke currently has several greenway projects underway in various stages of development, with a core design element to include connections to Roanoke's primary greenway artery, the Roanoke River Greenway; and at this point, it would be more advantageous to reallocate remaining funding from previous allocations and planned subsequent allocations for general greenway development.

The City Manager noted that Council approved an update to the CIP for fiscal years 2005-2009 on May 13, 2004, and an appropriation of \$200,000.00 for each project in capital fund interest is required in order to meet the City's obligation for fiscal year 2005.

The City Manager recommended that Council appropriate \$200,000.00 from capital fund interest earnings (008-3325) to the Downtown Family YMCA Account No. 008-620-9757-9003; transfer funding in the amount of \$193,195.00 from Account No. 008-530-9756-9003 to an account to be established by the Director of Finance entitled, Greenways Development; appropriate \$200,000.00 from capital fund interest earnings (008-3325) to an account to be established by the Director of Finance entitled, Greenways Development; and reauthorize subsequent contributions for greenways to be appropriated to general greenway development.

Mr. Dowe offered the following budget ordinance:

(#33706-060704) AN ORDINANCE to appropriate funding from Capital Projects Fund Interest Earnings for the YMCA Aquatic Center and the Greenway Development Projects, amending and reordaining certain sections of the 2003-2004 General and Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 489.)

Mr. Dowe moved the adoption of Ordinance No. 36706-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith5.
NAYS: None0.
(Council Member Wyatt and Vice-Mayor Harris were absent.)
Mr. Dowe offered the following resolution:
(#36707-060704) A RESOLUTION finding that it is in the best interest of the City to reauthorize previous and subsequent contributions for the Roanoke River Greenway project to general greenway development.
(For full text of Resolution, see Resolution Book No. 68, Page 490.)
Mr. Dowe moved the adoption of Resolution No. 36707-060704. The motion was seconded by Mr. Bestpitch.
Council Member Bestpitch advised that his spouse is employed by the Downtown Family YMCA and inquired if he should abstain from voting on the resolution; whereupon, the City Attorney advised that there is no conflict of interest.
Resolution No. 36707-060704 was adopted by the following vote:
AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith5.
NAYS: None0.
(Council Member Wyatt and Vice-Mayor Harris were absent.)

1144

POLICE DEPARTMENT-DOWNTOWN ROANOKE, INCORPORATED: The City Manager submitted a communication advising that the Roanoke Police Department's Mounted Patrol Unit was established in September 1993, in partnership with Downtown Roanoke, Inc. (DRI), which formed a separate not-for-profit tax exempt organization, Roanoke Foundation for Downtown, Inc., to assist DRI in raising funds for the Police Mounted Patrol Unit; and through a five year agreement and a subsequent one-year agreement, which was renewed for two additional one-year periods, DRI has provided financial assistance through fund raising efforts and established relationships with a variety of local vendors and suppliers, many of whom provide services and supplies as in-kind donations, or at reduced prices, through DRI for the Mounted Patrol.

It was further advised that at the end of the subsequent agreement, the City of Roanoke and DRI entered into a new agreement commencing in September 2001, with the option to renew for two additional one-year periods, in which the City of Roanoke would provide \$15,000.00 per year to the Foundation to be used for the benefit of the Mounted Patrol, which agreement will terminate on June 30, 2004.

The City Manager advised that the Foundation plans to continue to raise funds and seek donations of goods and services to assist with the needs of the Mounted Patrol Unit; continued funding by the City is also needed to cover the cost of equipment, goods and services to the Unit to the extent that such items are not donated; an agreement between the City of Roanoke and the Foundation provides for annual funding of \$17,500.00; term of the agreement is for a period of one year from July 1, 2004 through June 30, 2005, with the option to renew for two additional one-year periods; the agreement requires the City to indemnify the Foundation if City employees or agents are found guilty of negligent or intentional acts with respect to the agreement; funding for the donation of \$17,500.00 is provided in the fiscal year 2005 annual budget, Account No. 001-300-7220-3696; and the Foundation will pay all mounted patrol expenses as submitted by the City, excluding salaries and benefits of police officers and ordinary police equipment and uniforms, and comply with the City's procurement procedures.

The City Manager recommended that she be authorized to execute an agreement with the Roanoke Foundation for Downtown, Inc., approved as to form by the City Attorney, within the limits of funds set forth in the communication and for the purposes as set forth in the communication.

Mr. Cutler offered the following resolution:

(#36708-060704) A RESOLUTION authorizing an agreement with Roanoke Foundation for Downtown, Inc., for funding to be used for the benefit of the Mounted Patrol Unit of the Police Department.

(For full text of Resolution, see Resolution Book No. 68, Page 491.)

Mr. Cutler moved the adoption of Resolution No. 36708-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Roanoke Foundation for Downtown, Inc., in which capacity he receives no remuneration for his service.

CONVENTION AND VISITORS BUREAU-TOURISM: The City Manager submitted a communication advising that the City of Roanoke has annually entered into an agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the annual budget adopted by Council on May 13, 2004, the Memberships and Affiliations budget included funding of \$541,440.00 specifically designated for the RVCVB; and an additional \$306,000.00 is designated in the annual budget for marketing efforts that will go to the RVCVB, subject to an adjustment provision as set forth in the agreement.

It was further advised that the City has negotiated a one-year agreement, commencing July 1, 2004, with the RVCVB detailing the use of funds; the agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year; and contains a mutual indemnity clause in paragraph 9, which requires approval by Council; and the RVCVB submitted a detailed report listing accomplishments through April 2004, and an annual budget and work plan for 2004–2005 will be submitted to the City Manager for review and approval, upon approval by the RVCVB Board of Directors.

1146

The City Manager recommended that she be authorized to execute an agreement, in the amount of \$847,440.00, with the Roanoke Valley Convention Visitors Bureau, in a form to be approved by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism, and authorizing the Director of Finance to make the above referenced adjustment to the Agreement.

Mr. Dowe offered the following resolution:

(#36709-060704) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of Resolution, see Resolution Book No. 68, Page 492.)

Mr. Dowe moved the adoption of Resolution No. 36709-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

Council Member Fitzpatrick advised that he serves on the Board of Directors, Roanoke Valley Convention and Visitors Bureau, in which capacity he receives no remuneration for his service.

CITY CODE-CITY EMPLOYEES: The City Manager and the Director of Finance submitted a joint communication advising that City employees accrue monthly paid leave or vacation, depending upon the leave plan in which they participate; policies allow for up to 288 hours of paid leave, or 240 hours of vacation leave and 24 hours holiday leave to be carried forward from one fiscal year to another; and the City Code currently stipulates June 30 as the date by which employees must use paid leave, vacation, or holiday time to avoid loss of such leave balances in excess of the maximum carryover amounts.

It was further advised that the City's payroll processing software reduces balances to maximum carryover amounts during payroll processing of the first payroll in July; and because June 30 does not normally coincide with the end of a payroll cycle, significant resources are utilized each year in adjusting leave balances to accommodate the use of a June 30 carryover date, rather than an annual leave cutoff date which corresponds to the end of a pay period.

It was explained that efficiencies may be gained throughout the organization in handling the leave carryover policy if the annual leave cutoff date is changed to correspond with the end of the payroll period that coincides with the first payday in July, instead of using the constant date of June 30; in the current fiscal year, the proposed policy change will allow employees until July 5 to use paid leave, vacation, or holiday hours in excess of carryover amounts to avoid losing such excess balances; in some years, the cutoff date for the first payday in July will fall within the last few days of June, but in every year, employees will be granted 26 pay periods in which to use leave; and in every year, the cutoff date will coincide with the end of a payroll period and will be well communicated to employees through various means such as the weekly electronic newsletter, the *City Corner*, and Human Resources contacts who represent each department.

Ms. Burcham and Mr. Hall advised that City departments were polled regarding the proposed change in policy, and favorable feedback was consistently received by those who responded; estimated savings from the change in policy exceeds 200 hours annually, City-wide; and changing the policy also reduces the risk of error of leave balances due to reduction of manual intervention in maintenance of the balances; one time exception to the amount of holiday leave carry forward is also recommended for this year only, since the last day of the pay period, July 5, is a holiday, which will allow all employees to carry forward 32 hours of holiday time instead of the 24 hours typically allowed.

The City Manager and the Director of Finance recommended that Council adopt an ordinance to amend the City Code to redefine the annual leave cutoff from June 30 to the end of the pay period that coincides with the first payday in July, which will be the date by which employees need to use paid leave, vacation, or holiday balances before they are reduced to maximum carryover amounts.

Mr. Cutler offered the following ordinance:

(#36710-060704) AN ORDINANCE amending subsection (c) of §2-37, Office hours, work weeks and holidays, of Division 1, Generally, §2-48, Applicability, and subsection (g) of §2-49, Vacation leave, of Division 2, Vacation Leave and Sick Leave, amending §2-53, Applicability; eligibility to elect coverage, by the addition of new subsections (b), (c) and (e), and amending subsections (b), (e) and (f) of §2-54, Paid leave, of Division 3, Paid Leave and Extended Illness Leave, of Article III, Officers and Employees, Chapter 2, Administration, Code of the City of Roanoke (1979), as amended, by changing the leave accumulation date for the fiscal year to the cutoff date of the pay period for the first July pay day in each year; establishing and defining a time by which employee leave must be used prior to the annual carryover of leave time limits being calculated which normally would be June 30 of each fiscal year; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 493.)

Mr. Cutler moved the adoption of Ordinance No. 36710-060704. The motion was seconded by Mr. Dowe and adopted by the following vote:

	AYES:	Council	Members	Dowe,	Fitzpatrick,	Bestpitch,	Cutler	and	Mayor
Smith									5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

ZONING-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that previously, Council was briefed on a conceptual plan that was developed by urban design firm, The Lawrence Group, which would provide for development of an 11 acre tract of land in the Roanoke Centre for Industry and Technology (RCIT), located at the northeast corner of Blue Hills Drive and Orange Avenue, for a range of commercial uses that would take advantage of the visibility and access provided by Orange Avenue and complement and support the existing light industrial development in the Centre.

It was further advised that in order to move the conceptual plan forward, a petition has been prepared which requests the rezoning of the property from its current LM, Light Manufacturing District, zoning designation to C-2, General Commercial District, subject to certain proffered conditions; proffers include limitations on the range of permitted commercial uses, prohibition of access directly from Orange Avenue and limitations on freestanding signage; and in addition, the property is governed by a set of restrictive covenants of RCIT which address other site development issues such as location of on-site parking, placement of buildings and landscaping of the site.

The City Manager recommended that she be authorized to file a petition to rezone property located at the northeast corner of Blue Hills Drive and Orange Avenue, N. E., identified as Official Tax No. 7160113, from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions as set forth in the petition for rezoning.

Mr. Dowe offered the following resolution:

(#36711-060704) A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax No. 7160113, subject to certain proffers.

(For full text of Resolution, see Resolution Book No. 68, Page 498.)

Mr. Dowe moved the adoption of Resolution No. 36711-060704. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

			Fitzpatrick,		
Smith	 	 		 	 5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

CITY TREASURER-TAXES: The City Treasurer reported that as of May 31, 2004, \$15.6 million was collected by the City Treasurer's Office representing personal property tax payments.

1150

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of April 2004.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report for the month of April 2004 would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS:

ZONING: Council having held a public hearing on Monday, May 20, 2004, on a request of Fudds of S. W. VA, Inc., to rezone property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner as contained in the petitioner's Fifth Amended Petition filed on April 12, 2004, and following the public hearing, Council referred the matter to City Planning staff to address additional proffers submitted by the petitioner, the matter was again before the body.

- R. Brian Townsend, Director, Planning, Building and Development, presented a report advising that since Council's action to refer the matter to staff, the petitioner has developed a modified set of proffered conditions contained in a Sixth Amended Petition which was filed in the City Clerk's Office on June 1, 2004, as follows:
 - 1. The property shall be used only for the following uses:

Permitted Uses:

- 1) Dwellings located above ground floor nonresidential uses.
- 2) Nonprofit counseling facilities and services.
- 3) Day care centers with unlimited capacity subject to the requirements of Section 36.1-510 et seq.

- 4) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
- 5) Clubs, lodges and fraternal organizations.
- 6) Post offices.
- 7) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
- 8) Theaters with unlimited seating capacity.
- 9) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
- 10) General and professional offices including financial institutions.
- 11) Medical clinics.
- 12) Medical offices.
- 13) General service establishments, except that general service establishments primarily engaged in the repair or maintenance of motor vehicles shall not be permitted.
- 14) Funeral homes.
- 15) Restaurants.
- 16) Hotels, motels, and inns.

- 17) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
- 18) Food stores with unlimited gross floor area.
- 19) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:
 - a. Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;
 - b. There shall be no illumination of any portion of the fascia of the canopy;
 - c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site;
 - d. The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and
 - e. Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

- 20) Auto accessory sales with related installation.
- 21) Automobile cleaning facilities.
- 22) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
- 23) Veterinary clinics with no outside corrals or pens.
- 24) Kennels with no outside pens or "runs."
- 25) Plant nurseries and greenhouses including those with retail sales.
- 26) Commercial printing establishments which print newspapers, publications, and other materials.
- 27) Personal service establishments.
- 28) Business service establishments.

Special Exception Uses:

- 1) Fast food restaurants, so long as a special exception is granted.
- 2) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building, provided the outdoor storage or display area accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building, so long as a special exception is granted.

- 3) Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet, so long as a special exception is granted.
- 4) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that and so long as a special exception is granted:
 - a. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
 - b. The use is located on a major arterial road or highway.
- Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises, so long as a special exception is granted.
- 6) Medical laboratories, so long as a special exception is granted.
- 2. That the first use to be developed on the property shall be a restaurant.
- 3. That there shall be no more than one (1) curb cut on Orange Avenue serving the property.
- 4. That there shall be no more than two (2) freestanding signs serving the property.

- 5. That the storm water detention facility for the property shall be located underground.
- 6. That a minimum of one (1) tree shall be planted for every six (6) parking spaces located on that portion of the property being developed for a restaurant. Said trees shall be located in the interior and perimeter of the parking lot. At least fifty percent (50%) of said trees shall be a minimum of two and one half (2 ½) inches caliper in diameter at the time of planting.
- 7. That no more than twenty five percent (25%) of the number of parking spaces on the property shall be located between the face of any building and Orange Avenue.

Mr. Townsend advised that proffers contained in the Sixth Amended Petition provide appropriate limitations on future use, given the location of the site at a significant corridor gateway into the City; in addition, the amended petition contains proffers that also address limitations to vehicular access to the site and to on-site freestanding signage which are consistent with *Vision 2001–2020* development policies; proffers relating to underground storm water detention, provision of parking lot landscaping, and a limitation on the amount of on-site parking to be located between the public right-of-way and buildings on the site provide parameters on future development of the site in a manner that appropriately addresses policies contained in the Comprehensive Plan; therefore, given the additional proffers contained in the Sixth Amended Petition, staff recommends that Council approve the rezoning, subject to certain conditions proffered by the petitioner.

Mr. Fitzpatrick offered the following ordinance:

(#36712-060704) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 711, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68, Page 499.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36712-060704. The motion was seconded by Mr. Dowe.

Maryellen F. Goodlatte, Attorney, representing Fudds of S. W. VA., Inc., advised that her client concurs in the proffers and appreciates the opportunity to work with City staff on compromise proffers.

Ordinance No. 36712-060704 was adopted by the following vote:

AYES: Council Members Dowe, Fitzpatrick, Bestpitch, Cutler and Mayor Smith-----5.

NAYS: None-----0.

(Council Member Wyatt and Vice-Mayor Harris were absent.)

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

WATER RESOURCES-UTILITIES-WESTERN VIRGINIA LAND TRUST-ENVIRONMENTAL POLICY: Council Member Cutler commended the City's Utility Department, specifically Michael McEvoy, Director, and Carol Davit, Environmental Communications Coordinator, for their roles in connection with a publication by the Western Virginia Land Trust entitled, Saving Your Land and Water, Carvins Cove Watershed and Catawba Valley, which was sent to all residents of the Carvins Cove and Catawba Valley areas.

HEARING OF CITIZENS UPON PUBLIC MATTERS:

The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS: Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to low wages paid to City employees, racism in the City of Roanoke, lack of affordable housing, and funds expended by the City toward economic development in downtown Roanoke.

CITY MANAGER COMMENTS:

CITY MANAGER: The City Manager called attention to a photo contest for the 2005 City of Roanoke Municipal Calendar and encouraged citizens to participate by submitting photographs of people, places and activities within the community that demonstrate the livability of the City of Roanoke. She advised that photographs will be accepted between June 1 and August 1, and 13 photographs will be selected.

DECEASED PERSONS: The Mayor advised that Mr. E. Duane Howard, 508 Walnut Avenue, S. W., has placed a memorial book at the Main Roanoke Public Library for citizens to sign in memory of former President Ronald L. Reagan who passed away on Saturday, June 5, 2004, and the memorial book will be forwarded to the Reagan family at a later date.

At 2:55 p.m., the Mayor declared the meeting in recess for two briefings to be followed by one Closed Session which was previously approved by Council.

The Council Meeting reconvened at 3:05 p.m., in the Council's Conference Room, with all Members of the Council in attendance, except Council Member Wyatt and Vice-Mayor Harris, Mayor Smith presiding..

ZONING: Nancy Snodgrass, Acting Zoning Administrator, presented a zoning ordinance update. She advised that:

- The public discussion phase of the proposed zoning ordinance has been completed, and approximately 1,100 comments are listed on a spreadsheet prepared by City staff.
- The Steering Committee will reconvene and meet throughout the months of June and July; and it is anticipated that the Steering Committee's work will be completed by August 30.

1158

- Staff will review the spreadsheet of citizen comments and provide the Steering Committee with responses and recommendations.
- A total of 11 focus groups were facilitated, and seven open houses were held, including one at Valley View Mall on Citizens Appreciation Day in April.
- Every effort was made to engage people in dialogue and toward the end of the process, concerns were raised by some persons that the business community was not involved, therefore, an additional focus group was appointed based on recommendations from the Roanoke Valley Chamber of Commerce.
- Meetings have been scheduled at the request of various neighborhood groups, and meetings have been held with representatives of Old Southwest, Inc., Neighbors in South Roanoke, the Gainsboro Steering Committee, a meeting is scheduled in July with the Gilmer neighborhood; and meetings were held on two occasions with the Executive Committee of Downtown Roanoke, Inc., to discuss specific concerns.
- The meeting schedule of the Steering Committee is posted on the City's website.

From a builder's/developer's perspective, the Mayor expressed concern with regard to over regulation of zoning/construction in the City of Roanoke.

BONDS/BOND ISSUES:

Bond Refinancing Update:

The Director of Finance called attention to the last bond refunding in February, 2004 in which the City refunded approximately \$43 million of the 1996 and 1999 bond series, which resulted in a savings over future years as the bonds are paid off of approximately \$1.8 million. He advised that:

- When bonds are refunded, proceeds are taken from the new issue and placed in an ecrow account in order to purchase state and local government securities, or treasury bills, which are designed specifically for bond refunding for state and local governments where they are issued to match maturities of state and local government securities, also known as SLGS.
- The Bureau of Debt will allow localities to take such actions if they accept the maturity dates of the SLGS to match maturity dates of bonds to be paid off which the City purchased in February at the then market/interest yield.
- The City's bond underwriter developed a program to monitor the changing yields on SLGS; by working with the bond underwriter, the bond attorney, the City's financial advisor, the City Attorney, and the Assistant City Manager, an agreement was entered into to redeem the original issue of SLGS and the City realized approximately \$764,000.00.
- Because the \$764,000.00 of savings is related to bonds, under the Virginia Public Finance Act, it is considered to be new money that citizens have not voted on, or have not been subject to authorization by the local governing body, similar to the issuance of debt.
- A portion of the money can be spent following a public hearing by appropriating the funds to a capital improvement; and in the case of the City of Roanoke, \$470,000.00 of the \$764,000.00 can be appropriated and applied toward capital improvements, with the remainder of \$294,000.00 required to be used to pay outstanding principal and interest amounts on the refunding bonds.
- The bonds that were issued in February 2004 have a principal payment due in fiscal year 2005 of \$195,000.00.

 A public hearing has been advertised for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the remainder of the upcoming bond issue project, or those projects that have not been authorized by Council to date, which includes \$470,000.00 for a capital equipment project.

The Director of Finance and the City Manager advised that following the public hearing on Monday, June 21, 2004, it is recommended that \$470,000.00 be applied toward purchase of the City's new financial system and \$197,000.00 is recommended to fund debt repayment in fiscal year 2005, which is included in the City's fiscal year 2005 budget, leaving \$97,000.00 to recover in fiscal year 2006 for debt repayment from the refunding bonds.

Question was raised as to the amount of savings realized by the City as a result of bond refinancing over the past several years; whereupon, the Director of Finance advised that he did not have the exact figure at hand, but the City paid off a garage that had a high interest rate, the HUD loan was refinanced, and three bond refinancings have been done within the last approximately ten months.

There was discussion in regard to the length of time before bonds can be called without penalty; whereupon, Mr. Hall responded that there is typically a ten year call provision which is not legally required, but is a marketability issue; the City has financial advisors all over the state who watch the City's bonds, run calculations and offer to serve as the underwriter to reissue or refund bonds; and last year alone the City had at least five different financial advisors.

At 3:20 p.m., the Mayor declared the Council meeting in recess for one Closed Session.

At 3:40 p.m., the Council meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Member Wyatt and Vice-Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

Smith	
NAYS: None	0.
(Council Member Wyatt and Vice-Mayor Harris were absent.)	
There being no further business, the Mayor declared adjourned at 3:42 p.m.	the meeting
APPROVED ATTEST:	
Mary F. Parker City Clerk	Ralph K. Smith Mayor



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Encroachment into Public Right-of Way / Proposed Awning at 16 Campbell Avenue, SW, Tax No. 1011707

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on proposed encroachments into public right-of-way. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Monday, August 16, 2004. A full report will be included in the August 16, 2004, agenda material for your consideration.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/SEF

c: William M. Hackworth, City Attorney Mary F. Parker, City Clerk Jesse A. Hall, Director of Finance Sarah E. Fitton, Engineering Coordinator



PLANNING BUILDING AND DEVELOPMENT

Noel C. Taylor Municipal Building 215 Church Avenue, SW, Room 166 Roanoke, Virginia 24011 540.853.1730 fax 540.853.1230 planning@ci.roanoke.va.us

July 19, 2004

Mary F. Parker City Clerk Roanoke, Virginia

Dear Mary:

Please accept this letter as my resignation as a Commission member of the Roanoke Valley Allegheny Regional Commission, effective immediately.

Thank you for the opportunity to serve in this capacity.

Sincerely,

R. Brian Townsend, Director

Planning Building and Development

man lownsend

/f CC:

Darlene L. Burcham, City Manager

ماسلا المساهدين والمسادرة والمسادرة



Roanoke Neighborhood Advocates

Promoting the Development of World-Class Neighborhoods

Members:

Carl Cooper Chair

Sandra B. Kelly Vice-Chair

John Renick Secretary

Shirley Bethel

Bob Caudle

Jesse Dodson

John Griessmayer

Robin Murphy-Kelso

Richard Nichols

Cheryl D. Ramsey

Dawn Vineyard

June 24, 2004

To Mary Parker, City Clerk:

Please be advised that Jesse Dodson has tendered his recognition on the Roanoke Neighborhood Advocates.

John Renick, Secretary

Noel C. Taylor Municipal Building 215 Church Avenue, S.W. Room 162 Roanoke, Virginia 24011

Phone: 540-853-5210 Fax: 540-853-6597

Email: neighborhoods@ci.roanoke.va.u



Architectural Review Board Board of Zoning Appeals Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166 Roanoke, Virginia 24011 Telephone: (540) 853-1730 Fax: (540) 853-1230 E-mail: planning@ci.roanoke.va.us

August 2, 2004

The Honorable C. Nelson Harris, Mayor Members of City Council Roanoke, Virginia

Dear Mayor and Members of Council:

As Chairman of the Roanoke City Board of Zoning Appeals for 2004, it is my honor to present to you the annual report for July 1, 2003 through June 30, 2004.

For fiscal year 2003-2004, the Board of Zoning Appeals held twelve (12) regular public hearings, during which there were seventeen (17) variance requests, twenty-nine (29) special exception (use) requests, and four appeals of the Zoning Administrator's decisions.

On behalf of the Board, I would like to express our appreciation for Council's ongoing efforts to improve the effectiveness of the BZA through funding for the training and certification of the Board members.

In the current year, the Board of Zoning Appeals' goals are to: first, continue to serve the citizens and developers of the community in furthering the use, development and redevelopment of property through variances and special exceptions; second, to continue to act as a discretionary administrative body and make decisions in matters where a person or party within the community is aggrieved by a decision made in the administration or enforcement of the zoning ordinance; and lastly, to recommend to the Planning Commission and City Council necessary revisions to the zoning ordinance in order for the Board to continue to provide fair and equitable service to the community and its citizens.

We are also currently working with the Department of Planning, Building and Development to review and provide comments on proposed regulations for a new zoning ordinance. Furthermore, we continue to work with the City Attorney's Office to assure that our procedures promote a concise and fair process.

Sincerely,

Kermit E. Hale, Chairman

CITY OF ROANOKE BOARD OF ZONING APPEALS

Appointment of the Board

The Council of the City of Roanoke appoints a Board of Zoning Appeals in accordance with enabling legislation as set forth by the Commonwealth of Virginia, which provides that the said Board of Zoning Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the zoning ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

Membership of the Board

The Board of Zoning Appeals shall consist of seven members (on June 17, 2002, City Council voted in increase the Board to seven members), each to be appointed for a term of three years and removable for just cause by City Council, upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be reappointed and may serve up to three consecutive, three-year terms.

Powers of the Board

The Board is appointed by City Council to act as a discretionary administrative body to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by administrative officials in the enforcement of the zoning ordinance adopted pursuant thereto.

The Board is charged with the responsibility to hear, decide and authorize special exceptions to the terms of the zoning ordinance based upon certain criteria and findings as specified in the ordinance; and to hear, decide, and authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance that would not be contrary to the public interest where a literal enforcement of the provisions of such ordinance would result in unnecessary hardship, provided in all cases, the spirit of the ordinance shall be observed and substantial justice done.

SUMMARY OF BOARD ACTION July 1, 2003 through June 30, 2004

During the fiscal year of July 1, 2003 through June 30, 2004, the Board of Zoning Appeals heard 50 requests. These applications consisted of 17 Variance requests, 29 Special Exception requests, and 4 Appeals.

SUMMARY

VARIANCES APPROVED	11	SPECIAL EXCEPTIONS APPROVED	17
VARIANCES DENIED 3 withdrawn	3	SPECIAL EXCEPTIONS DENIED 10 withdrawn	2

ATTENDANCE

There were 12 regular hearings held in this fiscal year.

BOARD MEMBER	ATTENDANCE)	
Mr. Benjamin S. Motley	10	
Mrs. Joel Richert	11	
Mr. Joe Miller	11	
Ms. Diana Sheppard	10	
Mr. Kermit E. "Kit" Hale	12	
Mr. William Poe	12	
Mr. Phillip Lemon	12	

BOARD OF ZONING APPEALS July 1, 2003 through June 30, 2004

CASE NO.	NAME	ADDRESS/TAX #	REQUEST	CODE SECTION	0.0000000000000000000000000000000000000	DECISION
	Corey S. Reed	4214 Williamson Rd. NE, #216018	Used car auto sales lot	36.1-207, item (6)	existing curb cut onto Williamson Rd; (2) a min. 9 ft grass buffer N,S & E property boundaries; no pennant flags (3) three years (4) that a full cut-off fixture be installed if the existing AEP dusk to dawn light is removed; (5) there be no more than twelve (12) vehicles displayed for sale on the lot at any given time.	
21-03S-A	Sonia L. Stone	2227 Hollins Rd., NE., # 3121820	Custom dressmaking	36.1-108, item (10)	5 year time limit	Granted
22-03V-A	Carilion Health System	127 McClanahan St, SW, #1040902	3 Level Heart Center	36.1-188		Granted
23-03V-A	Whitney Reynolds Bradshaw	3282 Allendale St., SW, #1090215	Addition to house	36.1-93 (c)	That project be done in substantial conformance with the drawings submitted with regard to the addition size, footprint, and placement of the addition to the house, type of materials to be used in construction, and the building inspector measure the setbacks of the addition to the rear property line perpendicular from the overhang to the closest property line.	
24-03S-A	Roland "Spanky" Macher	143 Norfolk Ave, SW #1010301	Apartment complex	36.1-236		Withdrawn
25-03S-A	Omnipoint (T-Mobile)	3695 Thirlane Rd., NW #6530102	Telecommunication antennas	36.1-207, item (9)		Granted
26-03S-A	Greg Hancock	3514 Courtland Ave., NW, #2140403	Day care-special needs children	36.1-90, item (5)		Denied
27-03A-A	Robert E. Mills	3534 Hershberger Rd. NW, #2560201	Appeal of zoning administrator's decision	36.1-531 (d) and 36.1-654 (b)		Granted

28-03A-A	Michael S. Greene	2302 Roanoke Ave., SW, # 1421224	Non-conforming use	36.1-596	(1) all off-site related operations shall be conducted within a wholly enclosed building, (2) that the building shall only be used for the storage and maintenance of materials, tools and supplies related to this general service establishment, and (3) that no fabrication or manufacturing of building components or other items relative to the business be allowed at this location.	Granted
29-03V-A	Garry A. Viar	601 Church Ave, SE #4011601	2 bedroom single family residence	36.1-429 (a) and (b)		Granted
30-03V-A	Ray E. Harris	3623 Winding Way Rd. SW, #1390523	Subdivide lot	36.1-74		Granted
31-03V-A	Matt Prescott	2501 Wycliffe Ave., SW, #1060306	Setback variance, second Front yard	36.1-402 (b) (5)		Withdrawn
32-03S-A	Abundant Grace Assembly	1230 Rugby Blvd, & 1221 Mercer Ave., NW, #2231901 and 2231911	School	36.1-108, Item (5)		Granted
33-03V-A	James, Phyllis & Becky Whitley	4940 Pomeroy Rd., NW, #6060606	Variance to park motor home In driveway	36.1-436 (b)		Denied
34-03S-A	Roland "Spanky" Macher	129, 133, 143 Norfolk Ave., SW, #1010301, 1010302 1010303	Conversion and renovation of The ground floor of existing Warehouse building, ground Floor to be for residential Purposes	36.1-236		Withdrawn
35-03S-A	William F. Trinkle	124 Kirk Ave., SW #1011605	Allow ground floor of Nonresidential building to be Used for residential purposes	36.1-236		Granted
36-03S-A	Larry J. Doyle,	Lot 16, Block 10, Welton Ave., SW #1250215	Three-unit townhouse building,	36.1-108, item (2)		Withdrawn
37-03S-A	Faison- Southern Lane	E. side of Franklin, W. side of Southern Lane, #5480718, Portion of 5480717, 5480701, 5480704,	Construction of a fast food restaurant with a drive through window	36.1-207, item (2)		Withdrawn

•

38-03S-A	Crawford Commercial Real Estate Services, Inc.	834 Duke-of- Glouchester St., SW #5500114	To build a gastroenterology clinic	36.1-186, item (10)	(1) that the use of this facility be limited to a gastroenterology (medical) clinic at this location and any change of use of this facility to or for any other type of medical clinic shall require a new special exception (2) that the petitioner's use of evergreen plant material on the site in satisfaction of the landscaping requirements be limited to the buffering and screening of the parking lot located adjacent to Duke-of-Gloucester, private road, and (3) the development be in substantial conformity with the concept plan.	Granted
39-03S-A	Darrell Powledge & Lucas Physical Therapy	Orange Ave., N.E. #3025012	Medical clinic	36.1-250, item (1)	(1) that the special exception be limited to a physical and occupational therapy and occupational medicine medical clinic at this location and that any change of use of this facility to or for any other medical clinic will require a new special exception to be issued by the Board of Zoning Appeals (2) that the site be developed in substantial conformity to the site plan prepared by Lumsden and Associates, P. C. dated November 11, 2003 (3) that the building shall not exceed 8,000 square feet and (4) any on site lighting be limited to all full cutoff lighting fixtures to prevent light trespass beyond property boundaries.	Granted
40-03V-A	Hughes Associates Architects	656 and 650 Elm Ave., SW #1120701 & 1120702	Variance for rear yard setback	36.1-211		Granted
41-03S-A		1402 Bennington St., SE, #4330301	Public utility easements in floodway	36.1-402 (b)(4)		Granted
42-03S-A	Larry Doyle	Lot 16, Block 10, Welton Ave., SW #1250215	Duplex	36.1-108, item (1)	Project in substantial conformance with site plan filed with application dated 11/12/03; four sides be brick to grade; no exposed pressure-treated lumber be used on exterior	Granted
43-03S-A	Larry Doyle	Lot13, Block 10, Welton Ave., SW #1250213	Duplex	36.1-108, Item (1)		Denied

44-03V-A	Bland A. III & Betty J. Painter	3407 Orange Ave, NE #7100703, and part of 7100704	Variance rear setback	36.1-211	6 foot rear yard setback; development be in conformance with site plan dated 11/5/03	Granted
01-04V-A	Burnice L. & Dana Q. Markham	2612 Beverly Blvd., SW, # 1641201	Variance – front yard setback	36.1-93 (a)	-	Granted
02-04V-A	Commerce Security Corporation	3139 Williamson Rd., NW, #3160206	Variance – living quarters on first floor of commercial building	36.1-206, Item (1)		Denied
03-04V-A	Mark & Wendy Lucas	Franklin Rd., SW, #1050105	Variance – front yard setback	36.1-211 (a)		Granted
04-04V-A		13 Franklin Rd., SW #1012715	Variance- child care center without the minimum required seventy-five (75) square feet of outdoor play area on site per child; allow pedestrian access to alternative outdoor play area to include crossing public Right of Way	36.1-511 (b)(2)		Withdrawn
05-04S-A	Greg Hardman	Old Mountain Rd. NE #7360316	Special exception for town- houses	36.1-108, Item (2)		Withdrawn
06-04S-A	Lisa Michelle Hensley	2145 Brambleton Ave., SW, #1351325	Special exception for personal service home occupation for nail salon	36.1-72, item (6)	Time limit of 3 years	Granted
07-04S-A	Lisa Preston	3718 Barberry Ave., NW, #2720306	Special Exception for continuation of beauty salon as a personal service home occupation	36.1-90, item (10)	Continuation of beauty salon as a personal home occupation for 5 years	Granted
08-04V-A	Structures Design	2515 Grandin Rd., SW #1541301		36.1-531(e)	the playground be installed and maintained in substantial conformance with the plans as submitted dated February 16, 2004.	Granted
09-04S-A	Hassan Elhassan	1354 8th St., SW #1130809	Special exception operation of a van shuttle service engaged in the provision of a driver and automobile on a short-term basis, for transportation of patients to and from medical appointments	36.1-250, item (9)	5 year time limit	Granted

10-04S-A	Triton PCS Property Company, LLC	711 Williamson Rd., NW, #3014003	Special exception installation of a telecommunication facility, with a 110 foot tall (stealth) monopole antenna	36.1-228, item (4)	(1) that if the telecommunications equipment ceases to be used for any reason for a period of six months, then the property owner, tower owner, or applicant shall remove the antennas and all related equipment within 90 days of cease of operation; (2) that the project be installed, maintained, and constructed in substantial conformance with the plans submitted.	Granted
11-04S-A	Edward A. Natt	1830 Blue Hills Dr., NE, #7240101	Special exception for renovation of an existing building containing approximately 72,000 square feet, into office space	36.1-250, item (4)		Withdrawn
12-04S-A	Ralph Hodges	2402, 2408 & 2414 Belle Ave., NE, #3320104, 3320107, 3320108	Special exception for redevelopment of the property now developed as duplexes, into a townhouse development by constructing two townhouse units between the existing structures	36.1-108, item (2)		Withdrawn
13-04S-A	Terry W. Cundiff & Valerie Eagle	1225 Third St., SW #1023011	Special exception for a bed and breakfast	36.1-186, item(7)		Withdrawn
14-04V-A	Terry W. Cundiff & Valerie Eagle	1225 Third St., SW #1023011	Variance to allow a bed and breakfast facility to be located closer than one thousand five hundred (1,500) feet to another bed and breakfast establishment	36.1-521, Item (c)		Withdrawn
15-04S-A	Lisa A. Preston	2451 Bermuda Rd., NW, #6160504	Special exception for a beauty salon as a personal service home occupation	36.1-90, item 10	 (1) that the special exception be granted for a two-year time period, (2) that there be one customer at a time, by appointment only, (3) the hours of operation be limited to: Monday from 12 to 5 p.m.; Thursday, Friday and Saturday from 9 a.m. until 5 p.m., and (4) there be no on-street parking and all off-street parking be limited to the driveway. 	Granted
16-04S-A	Balzer & Associates Branch Family & Jolz Coffee Shop	3424 Orange Ave., NE #7150103	Special exception for a drive through coffee shop (fast food restaurant)	36.1-207, item (2)		Granted

17-04S-A	A & M	1304 Municipal Road,	Special exception for establish-	36.1-250, items		Granted
	Enterprises	NW, #6640103	ment engaged solely in the rental of automobiles with	(5) & (9)		
			customers renting vehicles			
			directly at this location and to store motor vehicles rented from		•	-
			their airport location.			
18-04V-A	Greg Hardman	Old Mountain Rd., NE #6640103	Variance creation of a lot with 48.79 feet of frontage on a	36.1-109		Granted
	пагитан	#6640103	public street in lieu of the			
	:		minimum required fifty (50) feet of frontage			
19-04A-A	Ed Natt	3839 Shenandoah	Appeal			Continued
		Ave., NW, #2732201				
20-04A-A	Mark Kary	813 5th St., SW	Appeal	36.1-594 (A) &		Denied
		#1120829		36.1-654 (B)		
21-04S-A	Mark Kary	813 5th St., SW #1120829	Special exception to change use	36.1-596		Withdrawn
		#1120029				
22-04V-A	- 1	, , , , , , , , , , , , , , , , , , ,	Variance for playground	36.1-531 (3)	the proposed equipment be placed adjacent	Granted
	Schools	#1330301			to the existing playground and eliminate the nineteen-foot buffer between the	
					playgrounds.	
23-04S-A	Mark Douglas		Special exception for used car	36.1-207, item (5)	hours of operation of the motor vehicle	Granted
	Trout	NW, #2760903	sales and service	·	painting and body shop be Monday through	
					Friday from 8:00 a.m. until 5:30 p.m. and on Saturday from 9:00 a.m. until 12:00 p.m.	
24-04V-A	Jeffrey Wood	3306 Dogwood Hill	Variance to allow accessory apt.	36.1-541 (a)		Denied
	Nancy	Rd., NE, #7050105	in existing accessory structure			
	Maurelli		in lieu of the requirement that			
			an acc. apt. be located within a single family detached dwelling			
25-04S-A	Diana Aesy	1501 Hollins Rd., NE	Change of nonconforming use	36.1-596		Withdrawn
	,	#3061113, 3061114				



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com August 2, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Emergency Procurement for

Auditorium Dimming Systems Replacement -Roanoke Civic Center

This is to advise Council that on July 20, 2004, I approved an emergency award declaration to replace the theatrical and stage dimming system (i.e. the "patch panel") at the Roanoke Civic Center Auditorium. Several factors lead to that request being made by staff and my subsequent approval of such request. These factors included the following:

- 1) The existing "patch panel" interconnects and controls the theatrical lighting fixtures (used on the stage) to the Auditorium's electrical power system.
- 2) The panel incorporates patch cords, which are no longer available, that are used to connect and control (dim) the various lighting circuits. The insulators on the plug ends of the cords wear out exposing the electrical wiring and creating a potential shock hazard to technicians who operate the panel.
- 3) The problem first surfaced some five or six years ago and was resolved at that time by shortening the length and rewiring the cords. The problem has again resurfaced, but the cords cannot be shortened any further.

Mayor Harris and Members of City Council August 2, 2004 Page 2

4) The panel needs to be replaced <u>as soon as possible</u> to eliminate the potential hazard.

Per procurement regulations, the City is still required to foster competition. To comply, staff solicited general (prime) contract bids for the project from six different electrical contractors, each contractor having a staff of sufficient size to perform the work in a timely manner. In addition, given that the work associated with the new dimming equipment is very specialized, it also invited four specialty subcontractors to offer to provide that work. All work on the project will hopefully be completed by the end of September 2004, during the period when the seating in the Auditorium is being replaced. At the present time the Auditorium is not in use and is not scheduled to be used until the first week in October 2004.

A meeting was held at the Auditorium on July 22, 2004 to distribute the documents and to review the work. Only one bid was received on July 28, 2004, for the project in the amount of \$246,757 from Newcomb Electric Company, Inc. Other contractors invited to submit bids did not do so for different reasons, to include current workload and the requirement that the project be bonded. It is our intent to award a contract for the amount indicated to eliminate this potential hazard and have the work done within the time frame indicated. As required by City Charter, this is for information purposes and no action by Council is required.

Respectfully submitted,

Darlene L. Burcham

City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Wilhemina Boyd, Direction of Civic Facilities
Phillip C. Schirmer, City Engineer
George Snead, Assistant City Manager



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Property Rights Acquisition for The Downtown West Parking Garages Project

The Church Avenue West Parking Study determined that there is a deficit in the parking supply in the downtown west area of approximately 500 spaces on a normal week day. The City's Capital Improvement Program includes \$7.2 million in future general obligation bonds for development of two new parking garages, each containing 250 – 300 spaces. On June 21, 2004, City Council authorized the issuance of \$2.0 million in general obligation bonds for this project, with the remaining funding to come from a future bond issue. Council also authorized the appropriation of \$600,000 in advance of bond issuance for this project. These garages will address the deficit of parking spaces. Several sites with proximity to the downtown area were considered as possible locations, with two sites being selected that best meet the needs for the new garages. One garage will be located on Luck Avenue, the other at Campbell/Salem Avenues. See Attachments #1 and #2 for site maps.

Authorization is needed to move forward with acquisition of the necessary property rights. See Attachment #3 for a list of the parcels needed. Total acquisition costs for consideration and related expenses such as title reports, environmental inspections, and relocation are estimated to be \$1.2 million.

Honorable Mayor and Members of Council August 2, 2004 Page 2

Recommended Action(s):

Authorize the City Manager to acquire fee simple title to the property described in Attachment #3, subject to an acceptable environmental inspection and title report. Such property rights may be acquired by negotiation, as shown on Attachment #3, or eminent domain.

Respectfully submitted,

Darlene L. Burcham

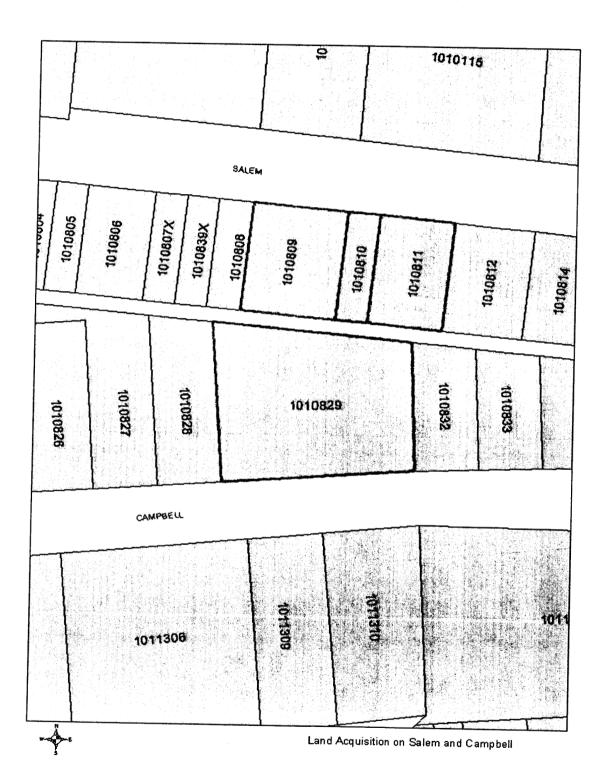
City Manager

DLB/SEF

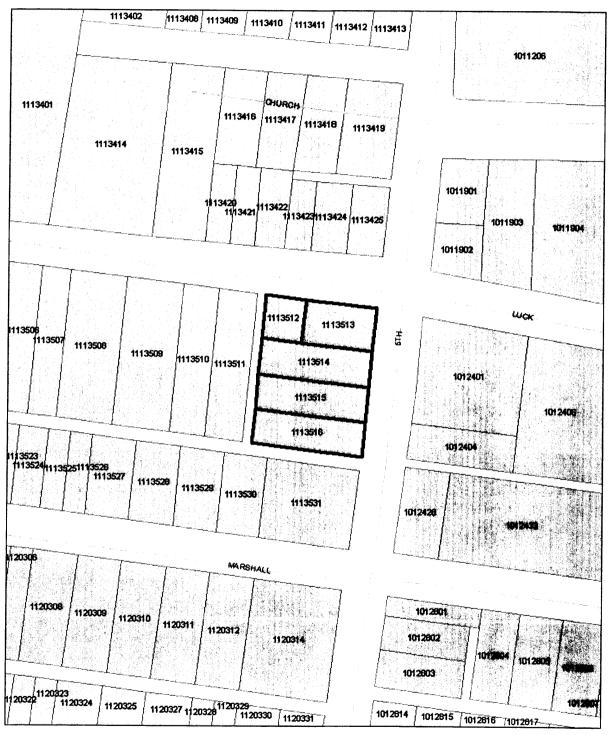
Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Beth A. Neu, Economic Development Director
Deborah J. Moses, Parking Coordinator
Sherman M. Stovall, Acting Director of Management and Budget
Sarah E. Fitton, Engineering Coordinator

#CM04-00092



Attachment #2



4

Land Acquisition on Luck and 5th

ATTACHMENT #3

Church Avenue West

Parking Garages Project

Tax No.	Property Owner	Property Rights	Authority
1010809	Nestle Brook LLC	Fee Simple	Negotiation or Eminent Domain
1010810	Nestle Brook LLC	Fee Simple	Negotiation or Eminent Domain
1010811	Nestle Brook LLC	Fee Simple	Negotiation or Eminent Domain
1010829	Times World Corp.	Fee Simple	Negotiation
1113512	American National Red Cross	Fee Simple	Negotiation
1113513	American National Red Cross	Fee Simple	Negotiation
1113514	American National Red Cross	Fee Simple	Negotiation
1113515	Derey Properties, LLC	Fee Simple	Negotiation
1113516	Derey Properties, LLC	Fee Simple	Negotiation

12

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acquisition of certain interests in property needed by the City for the Downtown West Parking Garages Project; providing for the City's acquisition of certain property rights by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on the property for the purpose of commencing the project; all upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

- 1. To provide for the Downtown West Parking Garages Project, the City wants and needs certain fee simple interests, subject to satisfactory environmental site inspections and acceptable title reports, as set forth in the report and attachments thereto in the City Manager's letter to this Council dated August 2, 2004. The proper City officials are authorized to take appropriate action to acquire the necessary property rights for the City from the respective owner or owners for such consideration as the City Manager deems appropriate, subject to certain limitations and subject to the applicable statutory guidelines. All requisite documents shall be approved by the City Attorney.
- 2. A public necessity and use exists for the acquisition of such property and immediate acquisition is necessary and expedient.
- 3. The City Manager is directed to offer on behalf of the City to the owner of the property such consideration as she deems appropriate to the owner or owners of real estate official tax numbers 1010829, 1113512, 1113513, 1113514, 1113515, and 1113516. Upon the

acceptance of an offer and upon delivery to the City of deeds, approved as to form and execution

by the City Attorney, the Director of Finance is directed to pay the consideration to the owner or

owners, certified by the City Attorney to be entitled to the same.

4. Should the City be unable to agree on a purchase price for such project with the

owner or owners of real estate official tax numbers 1010809, 1010810, and 1010811, after a

bona fide offer has been made, or should any owner or owners of such property be a person

under a disability and lacking capacity to convey such interest or should the whereabouts of the

owner or owners be unknown, the City Attorney is authorized and directed to institute

condemnation or legal proceedings to acquire for the City these property rights.

5. In seeking or conducting any condemnation proceeding, the City Attorney is

authorized to make a motion on behalf of the City for entry of an order, pursuant to §25-46.8 or

§33.1-120, et seq, Code of Virginia (1950), as amended, granting to the City the right to enter

upon the property for the purpose of commencing the project. The Director of Finance, upon

request of the City Attorney, shall be authorized and directed to draw and pay into court the sums

offered to the respective owner or owners.

6. Pursuant to the provisions of Section 12 of the City Charter, the second reading of

this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Blue Ridge Behavioral Healthcare FY 2005 Performance Contract

Background:

The 1998 General Assembly passed HB428 which amended and reenacted sections of the Code of Virginia relating to local roles and responsibilities for mental health, mental retardation, and substance abuse services.

Section 37.1-194 of the Code of Virginia, 1950, as amended, requires every locality to establish a community service board to oversee the delivery of mental heath, mental retardation and substance abuse services, and it is further required that the local governing body of a locality approve the Performance Contract.

The City of Roanoke has already established Blue Ridge Behavioral Healthcare pursuant to this statutory provision as the Community Services Board.

Considerations:

Blue Ridge Behavioral Healthcare has submitted the Fiscal Year 2005 Community Services Performance Contract in accordance with the Code of Virginia Title 37.1 to ensure the delivery of publicly funded services and Honorable Mayor and Members of City Council August 2, 2004 Page 2

supports to citizens of the Commonwealth with mental illness, mental retardation, or substance abuse. Services are to be directly or by contract through the operating board of the Community Services Board.

Section 37.1-198B. Code of Virginia requires all governing bodies for the localities served by the Community Services Board to approve the Community Services Performance Contract.

Recommended Action:

Adopt the attached resolution approving the execution of the attached Blue Ridge Behavioral Healthcare FY 2005 Performance Contract and authorize the City Manager to execute any required documents to enter into the Performance Contract with the Blue Ridge Behavioral Healthcare Board.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:tem

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Jane R. Conlin, Director of Human/Social Services
S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare
Rolanda B. Russell, Assistant City Manager for Community Development

#CMO4-00136

Exhibit A

Blue Ridge

	Consolidated Bud	lget		
Revenue Source	Mental Health	Mental Retardation	Substance Abuse	TOTAL
State Funds	2,335,036	1,061,029	1,627,154	5,023,219
State Restricted Funds	1,170,910	0	413,200	1,584,110
Local Matching Funds	770,795	41,071	83,430	895,296
Fee Revenues	4,574,653	5,047,396	1,313,596	10,935,645
Federal Funds	420,972	0	2,077,669	2,498,641
Other Funds	482,724	398,118	0	880,842
State Retained Earnings	0	0	0	0
Federal Retained Earnings	0		4,000	4,000
Other Retained Earnings	0	0	0	0
Subtotal Funds	9,755,090	6,547,614	5,519,049	21,821,753
State Funds One-Time				
State Restricted Funds One-Time				4140
Federal Funds One-Time	0			0
Subtotal One -Time Funds	0		E San C.	0
TOTAL ALL FUNDS	9,755,090	6,547,614	5,519,049	21,821,753

Expenses	9,755,090	6,547,614	5,519,049	21,821,753
		•		

Local Match Computation	
Total State Restricted and State Fund (Less DAP and Net Reinvestment)	6,324,565
Local Matching Funds	895,296
Total State and Local	7,219,861
% Local Match	12.40%

Fees Transferred		
ТО	FROM	NET
-387,586	387,586	0

Administrative & Management Expenses	
Total Admin. Expenses	2,882,013
Total Expenses	21,821,753
% Administration	13.21%

Emergency Response Budget	
Revenue	0
Expenses	0

FY2005 Performance Contract

Blue Ridge

Financial Comments

Comment1	SA Other Federal-CSB includes FBG RR&HA for \$17,213 and FBG Botetourt Co Safe
Comment2	Schools for \$16,700.
Comment3	MR Other Funds includes Pact C for Early Intervention of \$370,198 and Retained
Comment4	Earnings of \$27,920.
Comment 5	MH Other Funds includes CSA of \$349,522 and other Grant money of \$133,202.
Comment6	In-kind match of \$224,000 is the depreciation realized from a gift to the Board
Comment7	of a building valued at \$5.6m using staight line depreciation over 25yrs as
Comment8	advised by our aditors.
Comment9	
Comment10	
Comment11	
Comment12	
Comment13	
Comment14	
Comment15	
Comment16	
Comment17	
Comment18	
Comment19	
Comment20	

FY 2005 Performance Contract MH Financial Summary Blue Ridge

Revenue Sources	Revenue
<u>Fees</u>	
MH Medicaid Fees	3,838,648
MH Fees: Other	444,857
Total MH Fees	4,283,505
MH Transfer Fees (To)/From	291,148
MH Net Fees	4,574,653
<u>Restricted Funds</u> Federal	
MH FBG SED (C&A)	149,100
MH FBG SMI	264,869
MH FBG PACT	0
MH Fed PATH	7,003
MH Fed Shelter Plus (NW only)	0
MH Other Federal - DMHMRSAS	0
MH Other Federal - CSB	0
Total Federal Restricted MH Funds State	420,972
MH Acute Care (Fiscal Agent)	0
MH Transfer In/(Out) Acute Care	0
MH Net Acute Care	0
MH Facility Reinvestment (Fiscal Agent)	0
MH Transfer In/(Out) Facility Reinvestment	0
MH Net Facility Reinvestment	0
MH Aftercare (Wintex/DADS- HPR II)	0
MH PACT	700,000
MH Discharge Assistance	282,764
MH CSA Non-Mandated	188,146
Total State Restricted MH Funds	1,170,910
Other Funds	
MH Other Funds	482,724
MH Federal Retained Earnings	.0
MH State Retained Earnings	0
MH Other Retained Earnings	0
Total Other MH Funds	482,724

FY 2005 Performance Contract MH Financial Summary Blue Ridge

Revenue Sources	Revenue
State Funds	-
MH State General Funds	2,260,036
MH State Regional Deaf Services	50,000
MH State NGRI	0
MH State Children's Services	25,000
Total State MH Funds	2,335,036
Local Matching Funds	00.400
MH In-Kind	99,499
MH Contributions	0
MH Local Other	0
MH Local Government	671,296
Total Local MH Funds	770,795
Total MH Revenue	9,755,090
MH One Time Funds	
MH FBG SWVMH Board	0
Total One Time MH Funds	0
Total ALL MH Revenue	9,755,090

FY 2005 Performance Contract MR Financial Summary Blue Ridge

Revenue Sources	Revenue
Fees	
MR Medicaid Fees	5,033,937
MR Medicaid ICF/MR	0
MR Fees: Other	401,045
Total MR Fees	5,434,982
MR Transfer Fees (To)/From	-387,586
MR Net Fees	5,047,396
Restricted Funds	5,047,590
Federal	
MR Child Day Care	0
MR Other Federal - DMHMRSAS	0
MR Other Federal - CSB	0
Total Federal Restricted MR Funds State	0
MR Facility Reinvestment (Fiscal Agent)	0
MR Transfer In/(Out) Facility Reinvestment	0
MR Net Facility Reinvestment	0
Total State Restricted MR Funds	0
Other Funds	
MR Workshop Sales	0
MR Other Funds	398,118
MR State Retained Earnings	0
MR Other Retained Earnings	0
Total Other MR Funds	398,118
State Funds	
MR State General Funds	833,840
MR OBRA	92,806
MR Family Support	109,983
MR Children's Family Support	24,400
Total State MR Funds	1,061,029
Local Matching Funds	
MR In-Kind	41,071
MR Contributions	0
MR Local Other	0
MR Local Government	0
Total Local MR Funds	41,071

FY 2005 Performance Contract MR Financial Summary Blue Ridge

Revenue Sources	Revenue
1(0/0),40 0041000	
Total ALL MP Pavenue	6,547,614

Report Date 7/9/2004 AF-5

FY 2005 Performance Contract SA Financial Summary Blue Ridge

Revenue Sources	Revenue
<u>Fees</u>	
SA Medicaid Fees	124,162
SA Fees: Other	1,092,996
Total SA Fees	1,217,158
SA Transfer Fees (To)/From	96,438
SA Net Fees	1,313,596
Restricted Funds	
Federal	
SA FBG Alcohol/Drug Trmt	1,177,352
SA FBG Women	80,000
SA FBG Prevention-Women	20,000
SA FBG SARPOS	240,677
SA FBG HIV/AIDS	107,210
SA FBG Facility Diversion	46,436
SA FBG Jail Services	0
SA FBG Crisis Intervention	0
SA FBG Prevention	213,000
SA FBG Co-Occurring	0
SA FBG Turning Point	0
SA FBG Prev-Strengthening families	0
SA Other Federal - DMHMRSAS	0
SA Other Federal - CSB	33,913
SA Fed TANF/LINK	102,293
SA Fed State Incentive Grant	56,788
Total Federal Restricted SA Funds State	2,077,669
SA Facility Reinvestment (Fiscal Agent)	0
SA Transfer In/(Out) Facility Reinvestment	0
SA Net Facility Reinvestment	0
SA Facility Diversion	202,800
SA Comm. Based Tmt - Women	102,224
SA Jail Services	108,176
Total State Restricted SA Funds	413,200

Report Date 7/9/2004 AF-6

FY 2005 Performance Contract SA Financial Summary Blue Ridge

Revenue Sources	Revenue
Other Funds	
SA Other Funds	0
SA Federal Retained Earnings	4,000
SA State Retained Earnings	0
SA Other Retained Earnings	0
Total Other SA Funds	4,000
State Funds	
SA State General Funds	1,550,739
SA State Women's Svs. (Link)	0
SA Region V Residential	0
SA Jail Services/Juv Detention	70,224
SA Postpartum - Women	6,191
Total State SA Funds	1,627,154
Local Matching Funds	
SA In-Kind	83,430
SA Contributions	0
SA Local Other	0
SA Local Government	0
Total Local SA Funds	83,430
Total ALL SA Revenue	5,519,049

AF-7

LOCAL GOVERNMENT TAX APPROPRIATIONS

FY2005 Blue Ridge

City/County	Tax Appropriation
Salem City	95,000
Roanoke County	117,755
Roanoke City	417,617
Craig County	8,000
Botetourt County	32,924
Total Local Government Tax Funds:	671,296

FY2005 CSB 100 Mental Health Utilization Data

Blue Ridge

Report for Form 11

Core Services / Enrollment Codes	Service Capacity	Total Units	Contract Units	Units Per Capacity	Consumers Served	Expenses
100 Emergency Services	10.7 FTEs	22256	15033	1,405	2347	\$1,087,673
310 Outpatient Services	19.4 FTEs	40352	27795	1,433	2035	\$2,166,736
315 Intensive In-Home Services	7.25 FTEs	15080	10187	1,405	100	\$567,180
320 Case Management Services	33.5 FTEs	69680	47268	1,411	1445	\$2,931,066
415 Therapeutic Day Treatment for C&A	90 Slots	74880	64800	720	90	\$1,145,960
425 Rehabilitation	25 Slots	42900	26935	1,077	113	\$478,648
475 Alternative Day Support Arrangements	0 FTEs	0	454	· · · · · · · · · · · · · · · · · · ·	140	\$12,000
581 Supportive Residential Services	10.9 FTEs	22672	15360	1,409	132	\$1,135,539
610 Prevention Services	2 FTEs	4160	2810	1,405		\$230,288
910 Discharge Assistance Project (DAP)	10.00		rijar regnadi.		13	
915 Non-CSA Mandated MH C&A Services				rital (1.1	35	
918 Program of Assertive Community Treatment (PACT)		Contract Contract			80	

Total Expenses

\$9,755,090

Quarter: C

FY2005 CSB 200 Mental Retardation Utilization Data

Blue Ridge

Report for Form 21

Core Services / Enrollment Codes	Service Capacity	Total Units	Contract Units	Units Per Capacity	Consumers Served	Expenses
310 Outpatient Services	0.2 FTEs	416	281	1,405	45	\$21,717
320 Case Management Services	15.5 FTEs	32240	21952	1,416	655	\$1,269,244
425 Rehabilitation	37.3 Slots	46550.4	27610	740	154	\$564,339
430 Sheltered Employment	7 Slots	1036	1034	148	7	\$21,000
460 Transitional or Supported Employment	0 FTEs	0	1191		28	\$35,801
475 Alternative Day Support Arrangements	0 FTEs	0	2732		100	\$21,675
551 Supervised Residential Services	53 Beds	19345	18829	355	53	\$3,758,763
581 Supportive Residential Services	8.15 FTEs	16952	6575	807	218	\$322,574
587 Family Support	1, 11, 111	The William Profession		1.253	278	\$134,383
620 Early Intervention Services	0.5 FTEs	1040	4580	9,160	240	\$398,118
920 Medicaid Mental Retardation HCB Waiver Services	() \ () \	** **********************************	i * - : + * : * ! !	er er er er er er er	145	

Total Expenses

\$6,547,614

Quarter: C

FY2005 CSB 300 Substance Abuse Utilization Data

Quarter: C

Blue Ridge

Report for Form 31

Core Services / Enrollment Codes	Service Capacity	Total Units	Contract Units	Units Per Capacity	Consumers Served	Expenses
260 Community-Based SA Medical Detox Inpatient Services	s 12 Beds	4380	3602	300	617	\$800,663
310 Outpatient Services	12.95 FTEs	26936	18445	1,424	953	\$1,323,515
320 Case Management Services	9 FTEs	18720	12649	1,405	820	\$1,010,460
410 Day Treatment/Partial Hospitalization	8.5 Slots	6502.5	4902	577	81	\$268,872
521 Intensive Residential Services	38 Beds	13870	12461	328	265	\$1,286,233
531 Jail-Based Habilitation Services	38 Beds	13870	13458	354	206	\$174,959
610 Prevention Services	6 FTEs	12480	8430	1,405	-	\$654,347
930 SA State MH Facility Admission Diversion Project	1.44.11.418	1.5	· · · · · · · · · · · · · · · · · · ·	State of the	385	

Total Expenses

\$5,519,049

CSB Performance Contract Supplement FY 2005

Table 1: Board of Directors Membership Characteristics

Name of CSB: Blue Ridge	
Total Appointments: 16 Vacancies	: 0 Filled Appointments: 16
Number of Consumers: 3	Number of Family Members: 5
Age of Board Members Age 18 - 35: 3 Age 36 - 64: 11	Race and Ethnicity of Board Members African-American: 3 Asian/Pacific Islander: 0
Age 65+: 2	Caucasian: 13
Total: 16	Other: 0
Gender of Board Members	Total: 16
Female: 10 Male: 6	Hispanic Origin: 0
Total: 16	
Board Me	ember Occupations
Businessmen/Businesswomen: 5	Elected Gov't Officials: 0
Educators: 5	Appointed Gov't Officials: 1
Human Service Professionals: 2	Clergy: 1
Homemakers: 3	Clerical/Blue Collar Workers:
Medical Professionals: 0 Lawyers: 0	Retired Individuals: 4 Non-Gov. Serv. Providers: 2
Sheriffs: 0	Non-Gov. Serv. Providers: 2 No Response: 0
SHETHIS. U	Total: 23
Elected and appointed government officials mig	·

categories; duplication is acceptable in this table and it is important to identify all of the government officials serving as Board members.

Blue Ridge

Exhibit D: Board of Directors Membership List

Name	Address	Phone Number	Start Date	End Date	Term No.
Linda Bannister	3747 Long Meadow Ave NW Roanoke, VA 24017	(540) 342-4322	7/24/2000	12/31/2005	2
Sheri Bernath	1719 Wilbur Road SW Roanoke, VA 24015	(540) 345-8115	2/20/2001	12/31/2006	2
Bobbie Bowman	PO Box 48 Fincastle, VA 24090	(540) 473-3441	1/1/2004	12/31/2006	1
Carole Geiger	P.O. Box 649 225 N. Hancock Street Fincastle, VA 240900	(540) 473-2033	1/1/2002	12/31/2004	1
Rita Gliniecki	5217 Hawkbill Circle SW Roanoke, VA 24018	(540) 774-4385	1/1/2000	12/31/2005	2
Donna Henderson	82 Henderson Lane Troutville, VA 24075	(540) 992-5333	1/1/2000	12/31/2005	2
John Hudgins, Jr.	870 Stonegate Court Salem, VA 24153	(540) 389-4056	1/1/2001	12/31/2006	2
Dolores Johns	1604 Westside Boulevard NW Roanoke, VA 24017	(540) 362-0657	1/1/2002	12/31/2004	3
Roger Laplace	1125 First Street SW Roanoke, VA 24016	(540) 389-0585	1/1/2002	12/31/2004	2
William Lee	730 Loudon Avenue NW Roanoke, VA 24017	(540) 342-8852	1/1/2002	12/31/2004	3
Joan Nelson	628 Cleveland Avenue Salem, VA 24153	(540) 389-8035	1/1/2001	12/31/2006	2
Dan O'Donneil	3621 Overbrook Drive Roanoke, VA 24018	(540) 772-2017	3/11/2003	12/31/2006	1
Stephanie Ratliff	3150 Golf Colony Drive Salem, VA 24153	(540) 389-1288	6/11/2001	12/31/2005	1
Bruce Thomasson	116 Par Drive Salem, VA 24153	(540) 344-5118	12/5/2002	12/31/2004	1
Robert Williams	3343 Clara Avenue SW Roanoke, VA 24018	(540) 563-9153	1/1/2000	12/31/2005	2
Shirley Woodall	Route 1, Box 2088 New Castle, VA 24127	(540) 544-7587	1/1/2002	12/31/2004	3

Fiscal Year 2005 CSB Performance Contract Supplement

Table 2: Fiscal Year 2005 Board Management Salary Costs

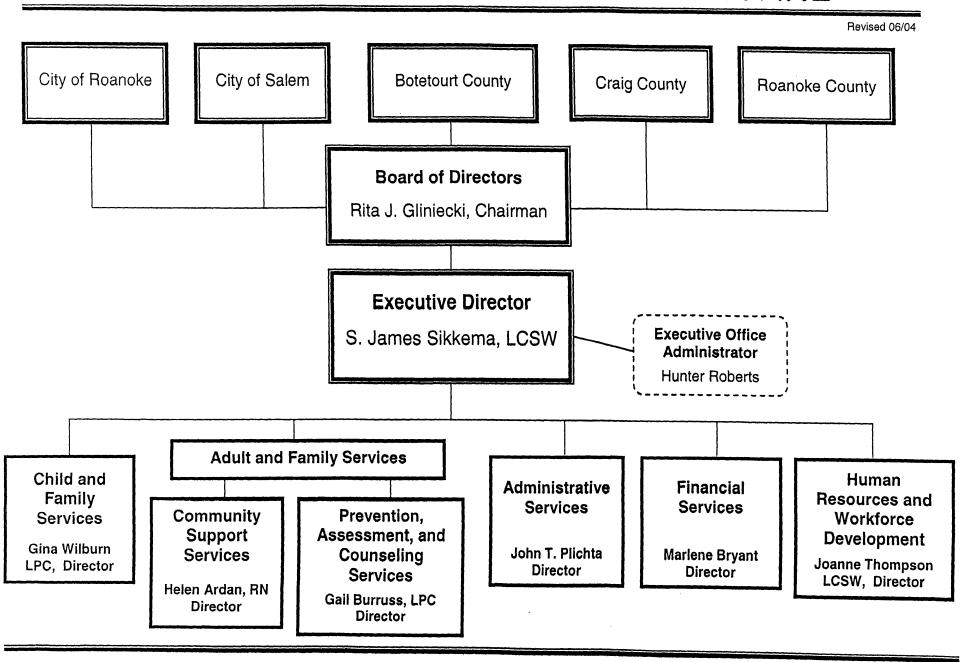
Explanations for Table 2a

Table 2b: Community Service Board Employees

1.	2.	3.	4.	5.	6.
No. of FTE CSB Employees	МН	MR	SA	ADMIN	TOTAL
Consumer Service FTEs	106.75	99.07	61.50		267.32
Support Staff FTEs	35.20	19.23	18.30	41.75	114.48
TOTAL FTE CSB Employees	141.95	118.30	79.80	41.75	381.80

BLUE RIDGE BEHAVIORAL HEALTHCARE

9



Central Office, State Facility, And Community Services Board Partnership Agreement

4. Culturally Competent Services: CSBs and State Facilities agree that in delivering services they will endeavor to address to a reasonable extent the cultural and linguistic characteristics of the geographic areas and populations that they serve.

Section 7: System Leadership Council. The System Leadership Council includes representatives of the Central Office, State Facilities, CSBs, and local governments. The Council will meet at least quarterly to, among other responsibilities:

- 1. identify, discuss, and resolve issues and problems;
- 2. examine current system functioning and identify ways to improve or enhance the operations of the public mental health, mental retardation, and substance abuse services system; and
- 3. identify, develop, propose, and monitor the implementation of new service modalities, systemic innovations, and other approaches for improving the accessibility, responsiveness, and cost effectiveness of the publicly-funded mental health, mental retardation, and substance abuse services system.

Section 8: Communication. CSBs, State Facilities, and the Central Office agree to communicate fully with each other to the greatest extent possible. Each partner agrees to respond in a timely manner to requests for information from other partners, considering the type, amount, and availability of the information requested.

Section 9: Quality Improvement. On an ongoing basis, the partners agree to work together to identify and resolve barriers and policy and procedural issues that interfere with the most effective and efficient delivery of public services.

Section 10: Reviews, Consultation, and Technical Assistance. CSBs, State Facilities, and the Central Office agree, within the constraints of available resources, to participate in review, consultation, and technical assistance activities to improve the quality of services provided to consumers and to enhance the effectiveness and efficiency of their operations.

Section 11: Revision. This is a long-term agreement that does not and should not need to be revised or amended annually. However, the partners agree that this agreement may be revised at any time with the mutual consent of the parties. When revisions become necessary, they will be developed and coordinated through the System Leadership Council. The partners agree that this agreement will be reviewed and renewed at the end of five years from the date of its initial signature, unless they decide jointly to review and renew it sooner. All such reviews and renewals will be coordinated through the System Leadership Council. Finally, either party may terminate this agreement with six months written notice to the other party and to the System Leadership Council.

Section 12: Signatures. In witness thereof, the CSB and the Department, acting on behalf of the Central Office and the State Facilities that it operates, have caused this Partnership Agreement to be executed by the following duly authorized officials.

Retardation and Substance Abuse Services	Blue Ridge Behavioral Healthcare
	Corninganity Services Board
Commissioner	Executive Director
	6-25-04
Date	Date

- c. Systemic Outcomes: Develop meaningful systemic outcomes, perhaps with regional variations, that would enable the Board and the Department to focus attention on a smaller number of more significant outcome and performance measures.
- d. Billing Consumers: Develop recommendations regarding procedures about charging and billing consumers for services, particularly in those situations where consumers have no resources and continuing to bill them would be administratively burdensome and not cost effective.
- e. Priority Populations: Resolve concerns about the continued use of priority populations.
- f. Discharge Planning Protocols: Complete revision of the protocols using a process that is consistent with the provisions of the Partnership Agreement.
- g. Discharge Assistance Project: Streamline reporting for DAP, using a process that is consistent with the provisions of the Partnership Agreement.
- h. Co-Occurring Disorders: Develop protocols for providing state facility and community-based services to individuals with dual or multiple diagnoses (e.g., MI/MR, MI/SA, MR/MI, MR/SA, SA/MI, SA/MR, MI/MR/SA), including criteria correlated to each diagnosis for admission of these individuals to particular state facilities and program or service models for serving these individuals in community settings.
- 11. Signatures: In witness thereof, the Department and the Board have caused this performance contract to be executed by the following duly authorized officials.

Virginia Department of Mental Health, Mental Retardation and Substance

Abuse Services	Blue Ridge Benavioral Healthcare
·	Board
By:	By: Zita d. Sliniecti
Name: James S. Reinhard, M.D.	Name: Rita J. Gliniecki
Title: Commissioner	Title: Chairman of the Board
Date:	Date: June 25, 2004
	By:
	Name: S. James Sikkema, LCSW
	Title: Executive Director
	Date: June 25, 2004

Exhibit D: Individual Board Performance Measures



Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services		
		Board
By:	By:	
Name: James S. Reinhard, M.D. Title: Commissioner	Name: Title:	Chairman of the Board
Date:	Date:	
	Name: Title:	Executive Director
	Date:	

29.



Exhibit F: Federal Compliances

Certification Regarding Salary: Federal Mental Health and Substance Abuse Prevention and Treatment (SAPT) Block Grants

Chec	k One						
X	 The Board has no employees being paid totally with Federal Mental Health or SAPT Block Grant funds at a direct salary (not including fringe benefits and operating costs) in excess of \$171,900 per year. 						
	2. The following employees are being particles Block Grant funds at a direct salary (respectively) excess of \$171,900 per year.	aid totally with Federal Mental Health or SAPT not including fringe benefits and operating costs) in					
	Name	Title .					
1							
2							
3							
4							
5							
6.							



Exhibit F: Federal Compliances

Assurances Regarding Restrictions on the Use of Federal Block Grant Funds

The Board assures that it is and will continue to be in full compliance with the applicable provisions of the Federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grants, including those contained in the General Requirements Document and the following requirements. Under no circumstances shall Federal Mental Health Services and Substance Abuse Prevention and Treatment Block Grant funds be used to:

- 1. provide mental health or substance abuse inpatient services¹;
- 2. make cash payments to intended or actual recipients of services;
- 3. purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;
- satisfy any requirement for the expenditure of non-federal finds as a condition for the receipt of federal funds;
- provide individuals with hypodermic needles or syringes so that such individuals may use illegal drugs;
- 6. provide financial assistance to any entity other than a public or nonprofit private entity; or
- 7. provide treatment services in pena or correctional institutions of the state.

[Source:

Signature of Executive Director

\$ 96.1351

June 25, 2004

Date

- However, the Board may expend SAPT Block Grant funds for inpatient hospital substance abuse services only when all of the following conditions are met:
 - a. the individual cannot be effectively treated in a community-based, non-hospital residential program;
 - b. the daily rate of payment provided to the hospital for providing services does not exceed the comparable daily rate provided by a community-based, non-hospital residential program;
 - c. a physician determines that the following conditions have been met: (1) the physician certifies that the person's primary diagnosis is substance abuse, (2) the person cannot be treated safely in a community-based, non-hospital residential program, (3) the service can reasonably be expected to improve the person's condition or level of functioning, and (4) the hospital-based substance abuse program follows national standards of substance abuse professional practice; and
 - d. the service is provided only to the extent that it is medically necessary (e.g., only for those days that the person cannot be safely treated in a community-based residential program).

[Source: 45 CFR § 96.135]



Exhibit G: Local Government Acceptance of Funds and Board Approval of Community Services Performance Contract

	1. Name of Board: Blue Ridge Benavioral Healthc.	are	· · · · · · · · · · · · · · · · · · ·		-
	2. City or County designated as as the Board's Fiscal Agent: City of Salem, V.	irginia			
	3. Name of the Fiscal Agent's City Manager or County Administrat	or or Exe	cutive	:	
	Name: Forest G. Jones Title: City	Manage	r	-	
	4. Name of the Fiscal Agent's County/City Treasurer or Director of	Finance:			
	Name:Frank P. Turk Title:Direct	ctor of	Fin	ance	
	5. Name of the Fiscal Agent official to whom checks should be elec-	ctronically	trans	mitted:	
	Name: Frank P. Turk Title: Direct	or of	Fina	nce	-
	Address: P. O. Box 869				
	Salem, VA 24153				
	6. The Board's board of directors certifies that, to the best of its known and information in this performance contract are true and correct contract has been duly authorized by a formal vote of the board meeting of the board. This signature affirms the board's approva	t and that of director	its en s in a	try into this	nlic.
	2. tr d. Duniecki	June		2004	_
	Signature of Board Chairman		Dat		
	 This signature indicates receipt of a Board-approved copy of this agreement by the Board's Fiscal Agent to accept state and feder that are included in this contract. 	performa al funds fr	nce com th	ontract and e Departme	an ent
	Follest Dones	June	25,	2004	
: : }	Signature of Fiscal Agent's Administrator or Manager		Date		•

MC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION approving and authorizing the execution of the Blue Ridge Behavioral Healthcare FY 2005 Performance Contract, upon certain terms and conditions.

WHEREAS, Section 37.1-194 of the Code of Virginia, 1950, as amended, requires every locality to establish a community service board to oversee the delivery of mental health, mental retardation and substance abuse services, and it is further required that the local governing body of a locality approve the Performance Contract; and

WHEREAS, the City of Roanoke has established the Blue Ridge Behavioral Healthcare Board pursuant to this statutory provision.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The 2005 Performance Contract proposed to be entered into with the Blue Ridge Behavioral Healthcare Board, as more particularly set forth in the City Manager's letter dated August 2, 2004, to this Council, is hereby approved.
- 2. The City Manager is hereby authorized to execute any and all requisite documents to enter into the Performance Contract with the Blue Ridge Behavioral Healthcare Board.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

> Subject: Records System Improvement Continuation Grant Number: 05-A4486CR03

Dear Mayor Harris and Members of Council:

Background:

The Virginia Department of Criminal Justice Services (DCJS) provides grant funding for the development and improvement of criminal justice records systems. The Criminal Justice Records System Improvement grant provides funds for automation of criminal justice systems, development of technology to improve and enhance sérvices to victims, development of interfaces that facilitate exchange of information and assistance to localities in conversion to Incident Based Reporting (IBR) systems.

In December 2001, DCJS awarded the Roanoke Police Department \$165,400 to automate IBR Field Reporting and data entry thereby ensuring quality current data availability to officers and investigators. On June 21, 2004, DCJS awarded the Roanoke Police Department \$72,323 (\$18,081 of which must be a cash match from the City) to continue automation efforts for the IBR Field Reporting system.

The success of this program is dependent upon the full transition of the Police Department and the Sheriff's Office to the same criminal justice records system. The grant funds will be used to create a seamless interface of the two agencies and allow for data sharing through the purchase of additional Police-Pak software licenses along with Jail-Pak and related start-up licenses, equipment, and training.

Honorable Mayor and Members of Council August 2, 2004 Page 2

The required cash match expense of \$18,081 will be shared equally by the Police Department and Sheriff's Office and is available in Police Department account, 035-640-3302-2035, and Sheriff's Office account 001-024-3310-2074.

Recommended Action:

City Council accept the grant and authorize the City Manager to execute the attached Statement of Grant Award/Acceptance.

Appropriate the \$54,242 from the Criminal Justice Record System Improvement Continuation Program and transfer \$9,041 from the Police Department, account 035-640-3302-2035 (Federal Asset Forfeiture), and \$9,040 from the Sheriff's Office, account 001-024-3310-2074 (Inmate Phone Commission), to Grant Fund account 035-640-3411 established by the Director of Finance in expenditure accounts as follows:

Account	Object Code	<u>Amount</u>
Fees for Professional Services Expendable Equipment Publications & Subscriptions	2010 2035 2040	\$3,828 2,000 <u>66,495</u>
Total		\$72,323

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:mds

Attachments

c: Honorable George M. McMillan, City Sheriff
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, ACM for Community Development
John A. Elie, Director of Technology
A. L. Gaskins, Chief of Police

Department of Criminal Justice Services 805EastBroadStreet, 10th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Roanoke City Date: June 21, 2004

Grant Period:

Grant Number: Through: 06/30/2005 From: 07/01/2004 05-A4486CR03

Project Director	Project Administrator	Finance Officer
Lt. Bill Beason	Ms. Darlene Burcham	Ms. Ann Shawver
Lieutenant	City Manager	Grant Acctnt
Roanoke Police Department	City of Roanoke City	City of Roanoke
348 Campbell Avenue, S. W.	215 Church Avenue	215 Church Avenue
Roanoke, VA 24011	Roanoke, VA 24011	Roanoke, VA 24011
Phone: (540) 853-6507 Email: bill_beason@ci.roanoke.va.us	Phone: (540) 853-2333 Email: darlene_burcham@ci.roanoke.va.us	Phone: (540) 853-2970 Email: ann_shawver@ci.roanoke.va.us

Grant Award Budget

Budget Categories	DCJS Fu	nds	I coalide Madel	TOTALS	
	Federal	General	Locality Match		
Personnel	\$0	\$0	\$0	\$0	
Consultant	\$2,871	\$0	\$957	\$3,828	
Travel	\$0	\$0	\$0	\$0	
Equipment	\$1,500	\$0	\$500	\$2,000	
Indirect Cost	\$0	\$0	\$0	\$0	
Supplies/Other	\$49,871	\$0	\$16,624	\$66,495	
Totals	\$54,242	\$0	\$18,081	\$72,323	

This grant is subject to all rules, regulations conditions attached thereto.	, and	criteria	included	l in the	grant	guideline	s and t	the special
			-	Leo	onard C	. Cooke, I	Director	
The undersigned, having received the Statement of Grant grant and agree to the conditions pertaining thereto, this			ce and the	Condition	s attach	ed thereto, d	oes hereb	y accept this

Signature:	
Title:	

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services 805 East Broad Street Richmond, Virginia 23219

For the Criminal History Records Improvement Program - Localities Agencies

Subgrantee:

Roanoke City

Grant Number: 05-A4486CR03

Federal Catalog Number: 16.579

Title: Criminal Justice Record Systems Improvement

Date: June 18, 2004

The following conditions are attached to and made a part of this grant award:

- 1. Federal grant funds may be used to pay no more than 75% of the total costs of any grant program, with 25% cash match required from the local units of government. Each budget line-item within any grant program requires a 25% cash match.
- 2. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
 - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
 - to adhere to the approved budget contained in this aware and amendments made to it in accord with these terms and conditions;
 - and to comply with all terms, conditions and assurances either attached to this aware or submitted with the grant application.
- 3. Grant funds, including matching funds, may only be expended and/or obligated during the grant period. All legal obligations must be fulfilled no later than 90 days after the end of the grant period.
- 4. The subgrantee agrees to submit such reports as requested by DCJS.
- 5. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purpose.
- 6. The subgrantee may use its own established travel rates if they have an established travel policy. If subgrantee does not have an established policy, it must adhere to state travel policy and regulations. The state allows reimbursement for actual reasonable expenses. The state allows .325 per mile for mileage. Transportation costs for air and rail must be at coach rates.
- 7. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected staring date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds.
- 8. No amendment to the approved budget may be made without the approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested using the Grants Management Online Information System (GMIS), accompanied with a narrative. No budget amendments will be allowed after April 30, 2005.
- 9. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.
- 10. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS.

11. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances – those submitted with the grant application, and those issued with this award – are complied with.

Any delegation of responsibility for carrying out grant-funded activities to an office or department nor a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.

- 12. PROJECT INCOME: Any funds generated as a direct result of DCJS grant funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash personal or real property included).
- 13. Prior to ADCJS disbursing funds, the Subgrantee must comply with the following special conditions:



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to establish the Record System Improvement Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations		
Inmate Phone Commissions	001-140-3310-2074	\$ (9,040)
Transfer To Grant Fund	001-250-9310-9535	9,040
Grant Fund		
Appropriations		
Fees For Professional Services	035-640-3411-2010	3,828
Expendable Equipment	035-640-3411-2035	2,000
Publications & Subscriptions	035-640-3411-2040	66,495
Revenues		
Record System Improvement FY 05-Local	035-640-3411-3413	9,040
Record System Improvement FY 05-Local (Grant)	035-640-3411-3421	9,041
Record System Improvement Grant FY 05-State	035-640-3411-3414	54,242

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

MIX

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of a Criminal Justice Records System Improvement Grant, Grant No. 05-A4486CR03, made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services, and authorizing the execution by the City Manager of the conditions of the grant and other grant documents.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke hereby accepts the offer made by the Commonwealth of Virginia Department of Criminal Justice Services of the Criminal Justice Records System Improvement Grant, No. 05-A4486CR03, in the amount of \$72,323 (including the required local cash match), such grant being more particularly described in the letter from the City Manager dated August 2, 2004, upon the terms, provisions and conditions relating to the receipt of the funds.
 - 2. The local cash match shall be in the amount of \$18,081.
- 3. The City Manager and the City Clerk are hereby authorized to execute, seal and attest, respectively, all documents setting forth the conditions of Grant No. 05-A4486CR03 and required to accept the grant.
- 4. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice Services in connection with the acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

August 2, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Appropriation Transfer of Fund for Comprehensive Services Act

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:sm

c: City Attorney City Clerk

Director of Finance